

Message

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**From:** Dalena Phipps [dalena.phipps@wyo.gov]  
**Sent:** 6/2/2017 4:52:23 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]  
**CC:** Nephi Cole [nephi.cole@wyo.gov]; Tatum Soto [tatum.soto@wyo.gov]  
**Subject:** copy of Letter from Governor Mead  
**Attachments:** 20170523 VF LTR to EPA Scott Pruitt for commitment to WOTUS cooperative federalism NC-MHMdp.pdf

Attached please find a copy of Governor Mead's letter to Administrator Pruitt, which is being sent via USPS.

--

Dalena Phipps  
Administrative Assistant to the Chief of Staff  
Office of Governor Matthew H. Mead  
2323 Carey Avenue  
Cheyenne, WY 82002  
307-777-8217

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

MATTHEW H. MEAD  
GOVERNOR



2323 Carey Avenue  
CHEYENNE, WY 82002

## Office of the Governor

May 31, 2017

Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Dear Administrator Pruitt,

Thank you and your staff for your important work. A collaborative partnership between the Environmental Protection Agency (EPA) and States is critical.

I have been concerned with EPA's lack of commitment in previous years to meaningful opportunities for consultation with the States. The Agency's implementation of Executive Order 13132 during the prior Administration was inconsistent with its goal of collaborative and respectful partnerships with states and other governmental entities. Consultation should not be a formality. Late completion, minimal effort and delegating communication to non-decision makers illustrate a lack of commitment. Governors should be at the table early in processes that affect states. Their involvement should be solicited in drafting rules and guidance.

On April 28th, my Policy Advisor Nephi Cole visited with Layne Bangerter and Andrew Hansen at EPA National Headquarters. He shared some of my thoughts on this topic with them. Your team committed to a new level of outreach and cooperation – working with States individually and collectively, early and often. Thank you for your leadership again and this commitment. Agency actions on Waters of the United States (WOTUS), a significant topic for Wyoming and all states, is a great starting point to change the current paradigm.

I look forward to working with you on many important topics in the time ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew H. Mead", is written over a horizontal line.

Matthew H. Mead  
Governor

MHM:dp

Message

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**From:** Dalena Phipps [dalena.phipps@wyo.gov]  
**Sent:** 6/2/2017 4:30:55 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; susan\_wheeler@crapo.senate.gov  
**CC:** Nephi Cole [nephi.cole@wyo.gov]; Tatum Soto [tatum.soto@wyo.gov]  
**Subject:** Letter from Governor Mead  
**Attachments:** 20170531 VF LTR Layne Bangerter EPA-NC-MHMdp.pdf

Attached please find a copy of Governor Mead's letter. The hard copy is being sent via USPS.

Thank you

--

Dalena Phipps  
Administrative Assistant to the Chief of Staff  
Office of Governor Matthew H. Mead  
2323 Carey Avenue  
Cheyenne, WY 82002  
307-777-8217

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MATTHEW H. MEAD  
GOVERNOR



2323 Carey Avenue  
CHEYENNE, WY 82002

## Office of the Governor

May 31, 2017

Layne Bangerter  
Special Assistant to the President  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Layne,

Thank you for your work within the Environmental Protection Agency. It has been a pleasure to work with you. I understand you are under consideration for Under Secretary of Agriculture for Natural Resources and Environment. This is an important position and I am confident you would be an asset in the role.

The position of Under Secretary for Natural Resources and the Environment has responsibility over the United States Forest Service and the Natural Resources Conservation Service - both are extremely important to Wyoming. We have 9.2 million acres of National Forest and over 30 million acres of private agricultural land. The opportunities are great. Your background in state and local government, agriculture, outdoor recreation, as well as working with the conservation community, commercial and private interests would be assets in realizing the potential of the position.

As you know, multiple uses and conservation are both possible and beneficial with the right management. I hope you will be an advocate for wild places and multiple land use - achieving a balance which benefits all.

I wish you the best.

Sincerely,

A handwritten signature of Matthew H. Mead, consisting of a stylized 'M' followed by a long horizontal line and a small flourish at the end.

Matthew H. Mead  
Governor

MHM:nc/dp



Message

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**From:** Nephi Cole [nephi.cole@wyo.gov]  
**Sent:** 4/27/2017 6:15:18 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**Subject:** Re: Waters of the United States (WOTUS) - DC visit

Sounds good. I will see you at 4:00. Thanks again for the time Layne.

Sent from my iPhone

> On Apr 26, 2017, at 6:22 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>  
> Let's do 4PM now. I have to go to the White House. Text me as we get closer.

**Ex. 6**

>  
> -----Original Message-----

> From: Nephi Cole [mailto:nephi.cole@wyo.gov]

> Sent: Tuesday, April 25, 2017 5:44 PM

> To: Bangerter, Layne <bangerter.layne@epa.gov>

> Subject: Re: Waters of the United States (WOTUS) - DC visit

>  
> It will just be me Layne. Let's shoot for 2:30 if that still works.

>  
> Sent from my iPhone

>> On Apr 25, 2017, at 2:21 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>>  
>> I'm available either 230 or 4 o'clock that day would be governor be joining us?

>>  
>> Sent from my iPhone

>>> On Apr 25, 2017, at 2:06 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

>>>  
>>> Dear Mr. Bangerter,

>>> I hope this email finds you well Layne. I will be traveling to Washington D.C. with Governor Mead on Wednesday and Thursday. If someone from your WOTUS team has time on Thursday, I would love to drop by EPA to discuss the position of Wyoming with regards to Waters of the United States. WOTUS has been one of my primary focus areas for Governor Mead's team - primarily because it has been a significant driver of my workload for over a decade as both an NRCS professional and as the Governor's Policy Advisor for Water.

>>> We were extremely active in the comment phase for the proposals from the previous administration. I have included those comments for you and your team to review. Our Final WOTUS comment letter is the most important, but the others help frame our level of concern, interest, and the fact that we requested many times for the withdrawal of the proposed rule.

>>> I have also included the a Bill which Senate EPW was working. During that process Wyoming had the opportunity to visit on potential solutions and direction. I would strongly encourage your team to look at the guidance that the Senate was providing as a "road map" that could be used to craft a long term solution to this contentious issue.

>>> Wyoming believes strongly that there is opportunity to develop long term clarity in the rule, and that the key to doing so lies in true cooperative federalism.

>>> Thanks for your time Layne, and please let me know if we can be of further assistance on this issue.

>>> --  
>>> Nephi John Cole  
>>> Policy Advisor  
>>> Office of Governor Matthew H. Mead  
>>> 2323 Carey Avenue  
>>> Cheyenne WY 82002  
>>> Office: (307) 777-3691

**Ex. 6**

>>> Fax: (307) 777-8586

>>> E-Mail to and from me, in connection with the transaction of public  
>>> business, is subject to the Wyoming Public Records Act and may be  
>>> disclosed to third parties.  
>>> <20141113 Final WOTUS comment letter MHMmdm (1).pdf>

>>> <20140930 Governor Mead's WOTUS withdrawal comment letter.pdf>

>>> <20140707 EPA & Army - Interpretive Rule comments MHMdm.pdf>

>>> <141113 Brown Mead Final wotus NR.pdf> <WOTUS Bill.pdf>

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> E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

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E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Message

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**From:** Nephi Cole [nephi.cole@wyo.gov]  
**Sent:** 4/27/2017 6:14:23 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**Subject:** Re: When are we meeting?

2:30 - I just got done with the governor and am headed your way.

Sent from my iPhone

> On Apr 27, 2017, at 10:53 AM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>

>

>

> Sent from my iPhone

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E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Message

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**From:** Baughman - CDPHE, Gary [gary.baughman@state.co.us]  
**Sent:** 7/7/2017 7:48:04 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfc74047b789ca42abcf1274-Milazzo, Julie]; Holliday, Kysha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; Hopkins, Daniel

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omcaleer@ecos.org; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Layman, Joseph  
[/o=ExchangeLabs/ou=Exchange Administrative Group  
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[/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=563df6b7ddca495f9c685da64f2babbf-Kennedy, Chandra];  
Jerah.Sheets@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=34cbeb01c94942ddaa5ddad152b2c3dc-Jerah.Sheet];  
Ashley.Hoekstra@wisconsin.gov; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative  
Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]  
**Subject:** Re: Agenda for P&P Co-Chairs Call - Tuesday, July 11

Thanks Andrea, looks good!

Gary

**Gary W. Baughman**  
**Division Director**



P 303.692.3338 | F 303.759.5355  
4300 Cherry Creek Drive South, Denver, CO 80246  
[gary.baughman@state.co.us](mailto:gary.baughman@state.co.us) | [www.colorado.gov/cdphe/hm](http://www.colorado.gov/cdphe/hm)

On Fri, Jul 7, 2017 at 12:42 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello,

Please find the agenda for Tuesday's P&P Co-Chairs call, below. Thanks and have a great weekend!

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

Agenda for 7/11/17 P&P Co-Chairs Call

**Date:** Tuesday, July 11, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in** **Ex. 6**  
**Code:**

1. **Welcome & Roll Call** (Andrea Barbery)

2. **ECOS' Cooperative Federalism 2.0 Paper** (Pat Stevens)

Purpose: To summarize ECOS' position paper on cooperative federalism ([link](#))

3. **ECOS STEP Meeting & ECOS-EPA Leadership Meeting** (Pat Stevens)

Purpose: To highlight key discussions on July 17-18 in Washington, DC

4. **ECOS Green Report on BPI Skills Exchange** (Beth Graves & Owen McAleer)

Purpose: To summarize ECOS' findings from the 2016 BPI Skills Exchange ([link](#))

5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien & Mike Osinski)

Purpose: To give an update on current activities, including [draft FY18-19 NPM guidance documents](#), and results of NEPPS Implementation Survey

*Note: The State Grants Subgroup did not have a call in June, so no updates are expected on this topic.*

**Next Call:** Tuesday, August 1

Message

**From:** Baughman - CDPHE, Gary [gary.baughman@state.co.us]  
**Sent:** 8/28/2017 3:56:38 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Willis, Sharnett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97b55bdfac5e41d8aa81064dfa2cb944-Willis, Sharnett]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfdc74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** Re: Draft agenda for P&P Co-Chairs Call (Sept. 5)

Hi Andrea, this looks good to me as well.

Gary

**Gary W. Baughman**  
**Division Director**



P 303.692.3338 | F 303.759.5355  
4300 Cherry Creek Drive South, Denver, CO 80246  
[gary.baughman@state.co.us](mailto:gary.baughman@state.co.us) | [www.colorado.gov/cdphe/hm](http://www.colorado.gov/cdphe/hm)

On Fri, Aug 25, 2017 at 3:44 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello,

Here's a draft agenda for the September P&P call. Any other topics folks would like to add? Please let me know by Friday/Sept. 1.

Thanks,

Andrea Barbary

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

DRAFT Agenda for 9/5/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbary)

2. **[tentative] EPA Lean Initiatives**

Purpose: To introduce Henry Darwin and discuss the agency's new lean initiatives

Suggested speaker: Henry Darwin

3. **ECOS Fall Meeting Planning**

Purpose: To give an update on preparations for the 2017 ECOS Fall Meeting

Suggested speakers: Pat Stevens, Bill Ehm

4. **EPA's Elevation Policy**

Purpose: To give an update on EPA's elevation policy

Suggested speaker: Nancy Grantham

5. **NPM Guidance/NEPPS Workgroup**

Purpose: To summarize status of NPM Guidance and Strategic Plan development

Suggested speaker: Kathy O'Brien

6. **State Grants Subgroup**

Purpose: To report out on recent activities

Suggested speakers: Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo



Message

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**From:** Richardson, RobinH [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2FA5C9EB65DC497C81A8DC9CCDB1FFA7-RICHARDSON, ROBINH]  
**Sent:** 4/7/2017 10:12:34 PM  
**To:** Alexandra Dunn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userfa6cd8fb]  
**CC:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Rudolph, Martha [martha.rudolph@state.co.us]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; keogh@adeq.state.ar.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8fde384118954a20be1f9210c502d14b-keogh@adeq.]; Stine, John (MPCA) [john.stine@state.mn.us]; Todd Parfitt [todd.parfitt@wyo.gov]  
**Subject:** Re: ECOS Letter to Administrator Pruitt

Thank you John, Todd, Becky, Martha and Alex. We want to let you know Troy Lyons, OCIR Associate Administrator, is hand delivering the letter to the Administrator. If there is any further follow up we will certainly let you know. Thank you again. Best, Robin

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)  
**Ex. 6**  
[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

On Apr 7, 2017, at 4:23 PM, Alexandra Dapolito Dunn <[adunn@ecos.org](mailto:adunn@ecos.org)> wrote:

OCIR Leaders:

On behalf of ECOS, many thanks for your participation in and support of a very productive ECOS Spring Meeting in Washington, DC.

We sincerely regret the incident that occurred this morning during Administrator Pruitt's Keynote Address. Please share with him the attached ECOS letter of thanks and apology.

We look forward to furthering the state-federal partnership.

Kind regards,

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

Washington, DC 20001

202-266-4929 (T), **Ex. 6** 202-266-4937 (F)

<Scanned from a Xerox Multifunction Device.pdf>

Message

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**From:** Ehm, William [william.ehm@dnr.iowa.gov]  
**Sent:** 8/28/2017 1:28:58 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Willis, Sharnett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97b55bdfac5e41d8aa81064dfa2cb944-Willis, Sharnett]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617b7fd74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** Re: Draft agenda for P&P Co-Chairs Call (Sept. 5)

Andrea, Pat, & all,  
I will be unavailable to be on the Sept. 5 call.  
Bill

On Fri, Aug 25, 2017 at 4:44 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello,

Here's a draft agenda for the September P&P call. Any other topics folks would like to add? Please let me know by Friday/Sept. 1.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

DRAFT Agenda for 9/5/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)

2. **[tentative] EPA Lean Initiatives**

Purpose: To introduce Henry Darwin and discuss the agency's new lean initiatives

Suggested speaker: Henry Darwin

3. **ECOS Fall Meeting Planning**

Purpose: To give an update on preparations for the 2017 ECOS Fall Meeting

Suggested speakers: Pat Stevens, Bill Ehm

4. **EPA's Elevation Policy**

Purpose: To give an update on EPA's elevation policy

Suggested speaker: Nancy Grantham

5. **NPM Guidance/NEPPS Workgroup**

Purpose: To summarize status of NPM Guidance and Strategic Plan development

Suggested speaker: Kathy O'Brien

6. **State Grants Subgroup**

Purpose: To report out on recent activities

Suggested speakers: Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo

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**Bill Ehm** | Division Administrator

Iowa Department of Natural Resources

P 515-725-8300 | F 515-725-8202 | 502 E. 9th St., Des Moines, IA 50319

[www.iowadnr.gov](http://www.iowadnr.gov)

**From:** Alexandra Dapolito Dunn [adunn@ecos.org]  
**Sent:** 4/7/2017 8:23:33 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Rudolph, Martha [martha.rudolph@state.co.us]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; keogh@adeq.state.ar.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8fde384118954a20be1f9210c502d14b-keogh@adeq.]; Stine, John (MPCA) [john.stine@state.mn.us]; Todd Parfitt [todd.parfitt@wyo.gov]  
**Subject:** ECOS Letter to Administrator Pruitt  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

OCIR Leaders:

On behalf of ECOS, many thanks for your participation in and support of a very productive ECOS Spring Meeting in Washington, DC.

We sincerely regret the incident that occurred this morning during Administrator Pruitt's Keynote Address. Please share with him the attached ECOS letter of thanks and apology.

We look forward to furthering the state-federal partnership.

Kind regards,

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

50 F Street, NW, Suite 350

Washington, DC 20001

202-266-4929 (T), **Ex. 6** 202-266-4937 (F)



THE  
ENVIRONMENTAL  
COUNCIL OF  
THE STATES

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Suite 350  
Washington, D.C. 20001

Tel: (202) 266-4920  
Email: [ecos@ecos.org](mailto:ecos@ecos.org)  
Web: [www.ecos.org](http://www.ecos.org)

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**John Linc Stine**

Commissioner, Minnesota  
Pollution Control Agency  
PRESIDENT

**Todd Parfitt**

Director, Wyoming Department  
of Environmental Quality  
VICE PRESIDENT

**Becky Keogh**

Director, Arkansas Department  
of Environmental Quality  
SECRETARY-TREASURER

**Martha Rudolph**

Director of Environmental  
Programs, Colorado  
Department of Public Health  
and Environment  
PAST PRESIDENT

---

**Alexandra Dapolito Dunn**

Executive Director &  
General Counsel

April 7, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

On behalf of the membership and staff of the Environmental Council of the States (ECOS), we thank you for your Keynote Address delivered to our Spring Meeting attendees at the Mayflower Hotel this morning. Your remarks were eagerly anticipated and well received by ECOS members, and we were deeply honored to have you join us in person.

We sincerely regret the unprecedented and highly embarrassing incident that occurred when trespassers, who entered our meeting without registration or permission, interrupted your remarks. ECOS will develop and deploy new procedures to ensure that such an occurrence is not repeated.

We remain committed to pursuing a productive and cooperative relationship with you and with the leaders appointed to join you at the U.S. Environmental Protection Agency. Again, please accept our most sincere apologies. We were encouraged to hear your Principles and Priorities. We offer our support and stand ready to advance and improve our cooperative federalism relationship with the Agency as we pursue our common goals of clean air, clean water, and productive and safe lands that promote public health.

Sincerely,

John Linc Stine, President  
Commissioner, Minnesota Pollution Control Agency

Todd Parfitt, Vice President  
Director, Wyoming Department of Environmental Quality

Becky Keogh, Secretary/Treasurer  
Director, Arkansas Department of Environmental Quality

Martha Rudolph, Past President  
Director of Environmental Programs, Colorado Department of Public Health  
and Environment

Message

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**From:** Elaine Boyd [Elaine.Boyd@tn.gov]  
**Sent:** 8/25/2017 10:24:23 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]; Willis, Sharnett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97b55bdfac5e41d8aa81064dfa2cb944-Willis, Sharnett]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfdc74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** Re: Draft agenda for P&P Co-Chairs Call (Sept. 5)

Looks good to me, Andrea. Thanks

Sent from my iPhone

On Aug 25, 2017, at 4:44 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello,

Here's a draft agenda for the September P&P call. Any other topics folks would like to add? Please let me know by Friday/Sept. 1.

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

[DRAFT Agenda for 9/5/17 P&P Co-Chairs Call](#)

1. <!--[if !supportLists]--><!--[endif]-->**Welcome & Roll Call** (Andrea Barbery)
2. <!--[if !supportLists]--><!--[endif]-->**[tentative] EPA Lean Initiatives**  
Purpose: To introduce Henry Darwin and discuss the agency's new lean initiatives  
Suggested speaker: Henry Darwin
3. <!--[if !supportLists]--><!--[endif]-->**ECOS Fall Meeting Planning**  
Purpose: To give an update on preparations for the 2017 ECOS Fall Meeting  
Suggested speakers: Pat Stevens, Bill Ehm
4. <!--[if !supportLists]--><!--[endif]-->**EPA's Elevation Policy**  
Purpose: To give an update on EPA's elevation policy  
Suggested speaker: Nancy Grantham
5. <!--[if !supportLists]--><!--[endif]-->**NPM Guidance/NEPPS Workgroup**  
Purpose: To summarize status of NPM Guidance and Strategic Plan development  
Suggested speaker: Kathy O'Brien
6. <!--[if !supportLists]--><!--[endif]-->**State Grants Subgroup**  
Purpose: To report out on recent activities  
Suggested speakers: Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo



Message

**From:** Barbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
**Sent:** 4/19/2017 10:35:51 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**CC:** Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bowles, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13cc9993651c44f1a2818d6b73907f2c-sbowles]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]; omcaleer@ecos.org; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfcd74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** Draft Agenda for P&P Co-Chairs Call (May 2)

Hello,

Below is a draft agenda for the P&P Co-Chairs Call, set for Tuesday, May 2. Please let me know if you have suggestions by next Wed/26<sup>th</sup>. Thanks!

Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

DRAFT Agenda for 5/2/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)
2. **ECOS Spring Meeting follow up**  
Purpose: To report out on spring meeting actions (side meeting, resolutions)  
Suggested speakers: Pat Stevens, Bill Ehm

3. **Budget update**  
Purpose: Latest update on post- Apr. 28 budget  
Suggested speakers: Joe Layman
4. **NPM Guidance/NEPPS Workgroup**  
Purpose: To give an update on current activities, including GAO Performance Partnerships report  
Suggested speakers: Kathy O'Brien, Mike Osinski
5. **Pew Charitable Trusts report**  
Purpose: To announce effort by Pew Charitable Trusts to write a report on state efforts around BPI/regulations  
Suggested speaker: Beth Graves
6. **EPA MOA w/Dept. of Commerce**  
Purpose: To share efforts to streamline domestic manufacturing permitting  
Suggested speaker: Nena Shaw
7. **State Grants Subgroup**  
Purpose: To report out on 4/27 call  
Suggested speakers: Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo
8. [tentative] **Regional (+WI) visits**  
Purpose: Highlights/summary of Regional visits (& visit to WI DNR)  
Suggested speakers: Ken Wagner, Pat Stevens

Message

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**From:** Elaine Boyd [Elaine.Boyd@tn.gov]  
**Sent:** 3/22/2017 6:25:16 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**CC:** Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; omcaleer@ecos.org; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfcd74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** RE: Draft Agenda for P&P Co-Chairs Call (Apr. 4)

I'm flying up on the 5<sup>th</sup>, so the 4<sup>th</sup> works for me. Thanks

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**From:** Barbery, Andrea [mailto:Barbery.Andrea@epa.gov]  
**Sent:** Wednesday, March 22, 2017 10:01 AM  
**To:** gary.baughman@state.co.us; Elaine Boyd; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov; Valerie.Thomson@deq.virginia.gov; wwaskin@des.state.nh.us; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org; OBrien, Kathy; Richardson, RobinH; Bangerter, Layne  
**Cc:** Layman, Joseph; Greenblott, Joseph; omcaleer@ecos.org; Milazzo, Julie  
**Subject:** Draft Agenda for P&P Co-Chairs Call (Apr. 4)

Hello P&P leaders,

Checking to see if we are still on for the **April 4** P&P Co-Chairs call? I wonder if this will conflict with state folks' travel to DC for the EELC/Spring Mtg?

If the time works for most, please see a proposed agenda, below. Your feedback by next Wed/29<sup>th</sup> is appreciated!

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

DRAFT Agenda for 4/4/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)
2. **Transition Update**  
Purpose: update on new administration  
Suggested speaker: Robin Richardson
3. **Budget update**  
Purpose: status report of current budget situation  
Suggested speaker: Joe Layman
4. **ECOS Spring Meeting**  
Purpose: update on spring meeting preparations  
Suggested speaker: Pat Stevens
5. **NPM Guidance/NEPPS Workgroup**  
Purpose: status update  
Suggested speakers: Joe Greenblott, Mike Osinski
6. **State Grants Subgroup**  
Purpose: summary of recent/upcoming events  
Suggested speakers: Valerie Thompson, Wendy Waskin, Pam McKinney, Julie Milazzo

Message

**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=0d75a73145564b4b932c9ab3dbbacf3e-Roberts, Timothy-P]; omcaleer@ecos.org; Dominic Homac [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user43171ffb]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Kennedy, Chandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=563df6b7ddca495f9c685da64f2babbf-Kennedy, Chandra]; Jerah.Sheets@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=34cbef01c94942ddaa5ddad152b2c3dc-Jerah.Sheet]; Bryant, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=73f1e75ec59444379168777dc0a58c32-Bryant, Tracy]; Ashley.Hoekstra@wisconsin.gov; Waskin, Wendy [Wendy.Waskin@des.nh.gov]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; DCRoomARN3428/OCIR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userc92ddfad]; pamela.mckinney@tceq.texas.gov; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Budd, Kathryn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bowles, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13cc9993651c44f1a2818d6b73907f2c-sbowles]; Tyler, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d931060b62549489650efed8abba587-TTyler]

**CC:** Tyler, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d931060b62549489650efed8abba587-TTyler]

**Subject:** RE: Notes from May 2 P&P Co-Chairs Call

**Attachments:** Procedures for Handling Nebraska EQC.DOCX

Hello,

Following up from the May P&P Call – please see the attached for a sample SOP for how Nebraska and Region 7 work together on state legislative and regulatory actions.

Thanks,  
 Andrea Barbery  
 Office of Intergovernmental Relations  
 U.S. Environmental Protection Agency  
 202-564-1397

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**From:** Barbery, Andrea

**Sent:** Friday, May 26, 2017 11:38 AM

**To:** gary.baughman@state.co.us; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov; Valerie.Thomson@deq.virginia.gov; wwaskin@des.state.nh.us; bgraves@ecos.org; OBrien, Kathy <OBrien.Kathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; stephens@dhec.sc.gov; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan <jencius.morgan@epa.gov>; Maldonado, Mayra <maldonado.mayra@epa.gov>; Santos, Marco <santos.marco@epa.gov>; Sumpter, Richard <Sumpter.Richard@epa.gov>; Bulanowski, Gerard <Bulanowski.Gerard@epa.gov>; Wood, MelanieL <Wood.MelanieL@epa.gov>; Vuong, Stephanie <Vuong.Stephanie@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>; Greenblott, Joseph <Greenblott.Joseph@epa.gov>; Burchard, Beth <Burchard.Beth@epa.gov>; Murphy, Dan <Murphy.Dan@epa.gov>; Gollan, Christopher <Gollan.Christopher@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>; Roberts, Timothy-P <Roberts.Timothy-P@epa.gov>; omcaleer@ecos.org; Dominic Homac

<dhomac@ecos.org>; Osinski, Michael <Osinski.Michael@epa.gov>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Kennedy, Chandra <Kennedy.Chandra@epa.gov>; Jerah.Sheets@dnr.iowa.gov; Bryant, Tracy <Bryant.Tracy@epa.gov>; Ashley.Hoekstra@wisconsin.gov; Waskin, Wendy <Wendy.Waskin@des.nh.gov>; Layman, Joseph <Layman.Joseph@epa.gov>; DCRoomARN3428/OCIR <DCRoomARN3428@epa.gov>; pamela.mckinney@tceq.texas.gov; Bangerter, Layne <bangerter.layne@epa.gov>; Budd, Kathryn <budd.kathryn@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Bowles, Scott <Bowles.Scott@epa.gov>

**Cc:** Tyler, Tom <Tyler.Tom@epa.gov>

**Subject:** Notes from May 2 P&P Co-Chairs Call

P&P Team --

A draft summary of the May 2 P&P Co-Chairs call is below. Please let me know if you have comments or corrections. Thank you!

Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

#### Notes from 5/2/17 P&P Co-Chairs Call

#### **Executive actions to streamline permitting**

A January 24th Presidential Memo on Reducing Regulatory Burdens for Domestic Manufacturing directs the Secretary of Commerce to coordinate with other federal agencies including EPA to “conduct outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing and shall solicit comments from the public...concerning Federal actions to streamline permitting and reduce regulatory burdens for domestic manufacturers.” Nena Shaw (EPA Office of Policy) shared how EPA is responding to the memo, including by emphasizing states’ crucial role in permitting and in regulatory programs overall. EPA is highlighting and recommending increased emphasis on key streamlining and performance improvement efforts such as the Agency’s Lean work and the joint ECOS-EPA Lean Action Board efforts for this and related executive actions reforming regulations and their connected government business processes. EPA is providing the Dept. of Commerce information for its report, which will contain recommended tasks for federal agencies including EPA. Nena noted four Lean Action Board transference projects that would be highlighted as actions already underway.

#### **ECOS Spring Meeting follow up**

Pat Stevens (WI DNR) reported out from the side-meeting of the Planning Committee during the ECOS 2017 Spring Meeting. The conversation focused interactions between states and EPA, with interest in increasing states’ flexibilities. Bill Ehm (IA DNR) reported out on the closed session, during which states provided feedback to EPA on how the agency can take a cooperative federalism approach in superfund, brownfields, air quality, and infrastructure programs. The Planning Committee discussed four resolutions, which will be taken up again at the Fall Meeting.

#### **Regional (+WI) visits**

Ken Wagner (EPA Office of the Administrator) gave an update on his visits to EPA Regions, and, when possible, to state environmental agencies. He is learning about EPA’s Regional offices, how the Regions vary in issues and organization, how they work with states, and where there are areas for improvement. Ken also paid a visit to WI DNR, during which senior leaders briefed him on the agency’s organization, and specific policy issues. DNR appreciated the opportunity to talk with the administration about the issues most significant to Wisconsin. One idea that was generated was making EPA expertise available for states’ legislative and rulemaking processes.

#### **Budget update**

Joe Layman (EPA – OCFO/Office of Budget) announced the federal government is under a continuing resolution through Friday, May 5. Congress reached a deal to fund the government through the remainder of FY 2017. Please remember

nothing is final until it is signed into law, but you can see the proposed Omnibus here (EPA starts on page 824):  
<https://rules.house.gov/sites/republicans.rules.house.gov/files/115/OMNI/CPRT-115-HPRT-RU00-SAHR244-AMNT.pdf>

#### **NPM Guidance/NEPPS Workgroup (Kathy O'Brien, Mike Osinski)**

Kathy O'Brien (EPA – OCFO/Office of Planning, Analysis, and Accountability) shared with the group plans to set the next call of the NPM Guidance/NEPPS Workgroup for May 9. The purpose of the call will be to catch up on activities to date and set plans for moving forward with the NPM Guidances. The group discussed the need for the NPM Guidance/NEPPS Workgroup steering committee, which was established for the purpose of getting the annual NPM Guidances on a 2-year cycle. As that shift has occurred, it is unclear what such a high-level group would seek to accomplish.

Mike Osinski (EPA – Office of Intergovernmental Relations) talked about the [GAO Performance Partnerships report](#), which looked at two programs: EPA's PPGs and a multi-agency pilot program for disconnected youth. Four states were interviewed as part of GAO's investigation, including Alabama, California, New York, and Utah. GAO's report reflected positively, overall, on EPA's PPG program, with recommendations to OMB on the disconnected youth program.

Andrea Barber (EPA – Office of Intergovernmental Relations) said EPA's [FY17 Management Challenges](#) report is out; again for FY17, OIG identified oversight of state-delegated programs as one of its primary management challenges. The report noted the 2016 Principles & Best Practices for Oversight of State Permitting Programs as a step towards improving its state oversight practices, but recommends the agency take additional steps to justify removal from the list of management challenges. ECOS noted the report called out specific issues; the group agreed this seemed to be a catch-all where the IG can refer to specific incidents (e.g. Flint) on a year-to-year basis to illustrate the need for improvement in this area.

#### **Pew Charitable Trusts report**

Beth Graves (ECOS) announced an effort by Pew Charitable Trusts to write a report on state efforts around Business Process Improvement wrt state regulations. The lead researcher heard Director Cabrera's keynote at the ECOS Spring Meeting and followed up w/ECOS to follow up with individual states for interviews.

#### **State Grants Subgroup**

Julie Milazzo (EPA – Office of Grants & Debarment) reported out on 4/27 call. Topics included: an update on the continuing resolution, contingency planning for a potential government shutdown, follow up from [GAO's report on Improving Monitoring Practices](#) (included discussion of Environmental Results), a quick turn-around Information Collection Request effort, an update on OGD's activities to meet 2017 goals associated with the Grants Management Plan, an update on the timely award metric, discussion of superfund cooperative agreements, and a status update on the online PPG course under development.

**Next call:** Tuesday, June 6



## Procedures for Handling Nebraska EQC

- What:** The Nebraska Environmental Quality Council (EQC) is a body which meets quarterly. One of their duties is to approve any changes to Nebraska state regulations governing delegated environmental programs. Well in advance of the meetings (4-5 weeks), EPA receives notice of the time and place of the meeting with a copy of the agenda and proposed rule changes.
- Who:** Carla Felix [Carla.felix@nebraska.gov](mailto:Carla.felix@nebraska.gov) is the point of contact at the state. Her office manager will send the material to the RA, the Legislative Liaison (Currently Ben Washburn, OPA) and Dick Sumpter (Nebraska Administrative Project Officer for the PPG).
- When:** According to an agreement in the PPA, we will return our comments at least seven calendar days before the meeting.
- How:** Upon receipt of the material, the Administrative PO will analyze the proposed rule changes for determining which EPA programs will be affected. The PO then forwards the material to the Division Deputies whose programs are involved. In the transmittal, stress the point that only substantive comments are requested. Give a suspense date that will allow time to compile the comments into an email for the DRA's signature and still get the response to NDEQ at least one week before the meeting. A couple of days earlier than that is better. Also, send a copy to Regional Counsel with the same suspense date, offering them an opportunity to comment. Request negative responses from all parties, should they have "no comment."

Here is a sample note:

*Diane, John,*

*I'm forwarding this announcement from the Nebraska Environmental Quality Council (EQC). I will compile any comments for Ed's response.*

*I'm not sure who in your respective Divisions would handle this, so I ask that you forward to the appropriate persons. There are two Water related rule changes and one Air related. As usual, we are only interested in substantive comments that would relate to the legality of the rule changes, program integrity or to the delegation agreement. I will also copy Regional Counsel on this so that there is no time lost in getting a response together, should they feel the need to weigh in.*

*I would ask that you send me any comments by COB June 2. A negative response is also requested, should you have no comments. Thanks for your cooperation.*

*Dick Sumpter*  
*POIS/PLMG*  
*X7661*

Message

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**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERRY]  
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**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d55bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfc74047b789ca42abcf1274-Milazzo, Julie]; Holliday, Kysha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; Hopkins, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group

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(FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Connor MacCartney [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user181bd989]; Sonia Altieri [saltieri@ecos.org]

**Subject:** Notes from March 7 P&P Co-Chairs Call

**Attachments:** Measures Update\_PandP March 2017.docx

Hello,

Draft notes from today's P&P Co-Chairs Call, below. Thanks for any edits you have to offer!

Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

#### Notes from 3/7/17 P&P Co-Chairs Call

#### **Welcome to Layne Bangerter**

Robin Richardson (OCIR) introduced OCIR's Deputy Assistant Administrator for Intergovernmental Relations, Layne Bangerter. Mr. Bangerter joined OCIR yesterday (3/6/17) but has been at EPA since January, as a member of the beachhead team. An avid outdoorsman, he comes to EPA from Idaho, where he worked for Sen. Crapo, and has experience with the U.S. Fish & Wildlife service and USDA. Welcome, Layne!

#### **Transition Update**

Robin Richardson announced other appointments to EPA's including Samantha Dravis as the Associate Administrator for the Office of Policy, and Ryan Jackson as Chief of Staff. Other Office of Policy appointments may include George Sugiyama and David Kreutzer, both from the beachhead team. EPA will share announcements if and when they occur.

#### **ECOS Measures Project**

Bill Ehm (IA) gave an update on ECOS' Measures project (see attachment). Call participants are aware ECOS President Stine (MN) had made communicating environmental progress to the public and to decision-makers a top priority. The workgroup is broken into 4 areas/subgroups: Air, Water, Waste, and Communities; each is working to develop "dashboard" measures, which will be piloted by the states. ECOS expects to release the dashboards in Fall 2017.

#### **ECOS Spring Meeting**

Pat Stevens (WI) discussed three resolutions that the Planning Committee expects to revise during the Spring Meeting, to include:

- 8-10 Strengthening the State-EPA Partnership Including a Continued Commitment to NEPPS,
- 11-1 Objection to U.S. EPA's Imposition of Interim Guidance, Interim Rules, Draft Policy and Reinterpretation Policy, and
- 11-2 Respectful Use of Data

Mr. Stevens also announced that the Planning Committee would be revisiting the Partnership & Performance Workgroup Charter, which recently came to the end of its 3-year lifespan. Planning leaders will discuss whether and how to continue this workgroup during the Spring Meeting. R8 asked about how NEPPS would be addressed in the revised charter; Mr. Stevens responded it would likely reflect current priorities, including NEPPS. ECOS added, the charter may include references to recent activities such as the [20<sup>th</sup> anniversary recommitment](#) and the [Field Guide to Flexibility and Results](#).

Other planning-related topics that may come up during a closed (states-EPA only) session at the Spring meeting include state budgets and strategic planning (draft agenda forthcoming). Also during the Spring Meeting, ECOS will convene a side-meeting of the Planning Cmte, P&P leaders, and SGS leaders on Thursday, April 6 at 5:00 p.m.

#### **NPM Guidance/NEPPS Workgroup**

Joe Greenblott (OCFO) gave an update on the NPM Guidance Process, noting that the timing will depend on the release of the Congressional Justification. There will be a 2-week internal review, to end around the same time as the release of the President's Budget. Then, a 4-week external review period will follow, with final guidances targeted for the end of July 2017. EPA will keep states apprised of exact dates, and will schedule a follow-up call with the NPM/NEPPS Workgroup to discuss areas of ongoing interest, such as how to use the NPM guidances to advance the use of multi-year work plans. ECOS asked if EPA would continue the practice of holding individual calls on Air, Water, Waste, and Enforcement; OCFO confirmed this was the plan.

#### **State Grants Subgroup**

State co-chairs welcomed newcomers (including Pam McKinney from TCEQ!). Julie Milazzo (OGD) summarized the Feb. 23 call. On that call, OCFO gave an update on the continuing resolution, which the agency is operating under until April 28. OCFO confirmed that money that's already been awarded to states will not be taken away. Due to the CR, OGD is not holding offices accountable for FY17 timely award targets, though program offices are still encouraged to award grants ASAP. One exception is to the CW and DW SRFs – because of the competitive nature of these grants (and the burden associated with competition), OW will wait until it has received the full year's funds before making awards. The group also discussed a [GAO report](#) on the agency's discretionary grant programs, which recommended that EPA develop more consistency in how assistance programs are communicated to the public. The agency's actions in response will not translate to more burdensome requirements for states. OGD continues to work with OLEM on consolidating Superfund cooperative agreements.

**Next call:** Tuesday, April 4

## **ECOS MEASURES PROJECT**

Update – for March 7, 2017 P&P call

### **Purpose**

Develop a set of common measures and metrics that states can use to help communicate public health and environmental progress.

### **Approach**

Four measures subgroups were established under the ECOS Measures Workgroup to identify common measures. The workgroup is organized under the auspices of the Planning Committee.

### **ECOS Measures Subgroups**

- Healthy and Thriving Communities
- Less and Properly Managed Waste
- Air Healthy to Breathe
- Water Clean and Available for All Uses

### **State Participation (Subgroups)**

12 States: AR, CO, HI, IA, MN, MO, NE, NH, TN, VA, WI, WY

5 State Associations: Environmental Council of the States, Association of Clean Water Administrators, Association of Safe Drinking Water Administrators, Association of Air Pollution Control Agencies, National Association of Clean Air Agencies

### **Sample of Common Measures – draft, subgroups are finalizing**

- **Healthy and Thriving Communities**
  - Returning contaminated land to productive use
  - Comparison of economic indicators versus emissions of common pollutants
- **Less and Properly Managed Waste**
  - RCRA Cleanups – Number of RCRA facilities *in corrective action* with human exposure under control (ACS Code CA1)
  - UST Cleanups – Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration (ACS Code 112)
  - RCRA Subtitle C Compliance - Percent of RCRA facility inspections where no significant non-compliance is found

- **Air Healthy to Breathe**
  - Point source emissions of PM10 and 2.5, CO, NOx, SO2, and VOCs over time
  - Ambient concentrations of pollutants relative to the national ambient air quality standard over time
- **Water Clean and Available for All Uses**
  - Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection (ACS Code SDW-SP1.N11)
  - Percent of state population served by compliant community water systems (ACS Code SDW 211)
  - Percent of water bodies monitored and waters meeting designated uses

#### **Next Steps**

- Recruit 1-12 States to Serve as Pilots (February)
- Identify Info-Graphics Expert (February)
- Measures Subgroups to Refine and Finalize Common Measures (March)
- ECOS Spring Meeting Update (April)
- Confirm State Participation in the First ECOS Measures Project (end of April)
- Info-Graphics Expert Develops and Revises Draft Product (June-July)
- Info-Graphics Expert Finalize Product (August)
- ECOS Releases Inaugural Measures Product (Sept.)

**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERRY]  
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**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Jones, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5359a840310f4997be5157ffbbdd3708-JONES, DOUG]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Budd, Blair (Kathryn) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group



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(FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]

**Subject:** Notes from Aug. 1 P&P Co-Chairs Call

Hello,

Notes from today's call, below. More to discuss in September!

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Notes from 8/1/17 P&P Co-Chairs Call

### **ECOS Meetings Recap**

Division Administrator Pat Stevens (WI) reported out on highlights from ECOS STEP and ECOS-EPA Leadership Meetings, which were held in Washington DC in July. The July 17<sup>th</sup> STEP meeting focused on cooperative federalism and featured panels on state-federal roles; corporate roles and measurement systems; NGO and community organization roles; science, research, and technology; and communicating results. Approximately 150 individuals attended, including Directors/Secretaries/Commissioners and staff from 29 state environmental agencies, business entities, nonprofit organizations, academia, DOJ, DOE, and over 30 EPA senior leaders and staff.

On July 18<sup>th</sup>, EPA hosted ECOS' Executive Committee for a half-day meeting to continue the previous day's discussion on state and federal roles in the environmental protection arena. Ken Wagner and Troy Lyons chaired the meeting alongside ECOS President John Linc Stine of Minnesota. Kell Kelly, Senior Advisor, gave an update and co-led a discussion with ECOS Waste Committee Chair Scott Thompson of Oklahoma on working more closely with states to implement the recommendations coming out of the Superfund Task Force, with agreement to form a state-EPA workgroup to facilitate state input on actions. (OCIR reported this workgroup kicked off its inaugural call on Monday, July 31.) Lee Forsgren, Deputy Assistant Administrator for the Office of Water, co-led a discussion with ECOS Secretary-Treasurer Becky Keogh of Arkansas on the Waters of the US rulemaking. States appreciated the level of engagement on behalf of EPA leaders from both HQ and the Regions.

### **NPM Guidance/NEPPS Workgroup**

Kathy O'Brien (OCFO) announced the comment period for the [Draft FY18-19 NPM Guidances](#) closes on Friday, Aug. 4<sup>th</sup>. The state-NPM conference calls went well. How to reconcile the FY18 budget with the NPM guidances remains an

outstanding question, as the NPM guidances are likely to be finalized well before the agency receives its FY18 appropriation. This will likely be addressed in an addendum.

### **State Grants Subgroup**

The State Grants Subgroup experienced technical difficulties and in lieu of rescheduling the discussion, Julie Milazzo has sent an email to call participants summarizing call topics. The next SGS call is scheduled for August 24<sup>th</sup>.

**Next Call:** Tuesday, September 5

Message

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**From:** Alexandra Dapolito Dunn [adunn@ecos.org]  
**Sent:** 3/20/2017 2:37:31 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Hanson Carolyn [chanson@ecos.org]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Stine, John (MPCA) [john.stine@state.mn.us]; Todd Parfitt [todd.parfitt@wyo.gov]; Rudolph, Martha [martha.rudolph@state.co.us]; slongsworth@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user301a2eda]; keogh@adeq.state.ar.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8fde384118954a20be1f9210c502d14b-keogh@adeq.]  
**Subject:** Re: Draft Agenda for Tuesday 3 PM.....ECOS All Member Call w Administrator Pruitt & Hopefully Layne

That's awesome-thanks Layne! We will send final agenda shortly.

Sent from my iPhone

On Mar 20, 2017, at 10:22 AM, Barbery, Andrea <Barbery.Andrea@epa.gov> wrote:

Confirming Layne for 3:40 – 3:50 (Eastern) tomorrow!

We'll be signing off from the Administrator's office at 3:40 and will run down the hall to dial in again from Layne's office. Apologies for the awkward gap but I think it'll only be a minute or two.

Thank you again for this great opportunity!

Andrea Barbery  
202-564-1397

**From:** Alexandra Dapolito Dunn [mailto:adunn@ecos.org]  
**Sent:** Friday, March 17, 2017 3:46 PM  
**To:** Barbery, Andrea <Barbery.Andrea@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Hanson Carolyn <chanson@ecos.org>; Bangerter, Layne <bangerter.layne@epa.gov>  
**Cc:** Stine, John (MPCA) <john.stine@state.mn.us>; Todd Parfitt <todd.parfitt@wyo.gov>; Rudolph, Martha <martha.rudolph@state.co.us>; slongsworth@ecos.org; keogh@adeq.state.ar.us  
**Subject:** Draft Agenda for Tuesday 3 PM.....ECOS All Member Call w Administrator Pruitt & Hopefully Layne

Know Layne is not confirmed but here's a working draft for the ECOS All Member Call. Let's talk Monday! I'll want to send the final agenda COB Monday no later.

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

50 F Street, NW, Suite 350

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See my research: <http://ssrn.com/author=1356207>

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, [www.ecos.org](http://www.ecos.org)

Message

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**From:** Baughman - CDPHE, Gary [gary.baughman@state.co.us]  
**Sent:** 3/27/2017 5:26:57 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; omcaleer@ecos.org; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfdc74047b789ca42abcf1274-Milazzo, Julie]  
**Subject:** Re: Draft Agenda for P&P Co-Chairs Call (Apr. 4)

I was out of the office on vacation all of last week, so I'm a bit behind on this. I am traveling to DC on the 5th, so a P&P call on the 4th would work for me.

Thanks,  
Gary

**Gary W. Baughman**  
**Division Director**



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4300 Cherry Creek Drive South, Denver, CO 80246  
[gary.baughman@state.co.us](mailto:gary.baughman@state.co.us) | [www.colorado.gov/cdphe/hm](http://www.colorado.gov/cdphe/hm)

On Wed, Mar 22, 2017 at 9:00 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello P&P leaders,

Checking to see if we are still on for the **April 4** P&P Co-Chairs call? I wonder if this will conflict with state folks' travel to DC for the EELC/Spring Mtg?

If the time works for most, please see a proposed agenda, below. Your feedback by next Wed/29<sup>th</sup> is appreciated!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

DRAFT Agenda for 4/4/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)

2. **Transition Update**

Purpose: update on new administration

Suggested speaker: Robin Richardson

3. **Budget update**

Purpose: status report of current budget situation

Suggested speaker: Joe Layman

4. **ECOS Spring Meeting**

Purpose: update on spring meeting preparations

Suggested speaker: Pat Stevens

5. **NPM Guidance/NEPPS Workgroup**

Purpose: status update

Suggested speakers: Joe Greenblott, Mike Osinski

6. **State Grants Subgroup**

Purpose: summary of recent/upcoming events

Suggested speakers: Valerie Thompson, Wendy Waskin, Pam McKinney, Julie Milazzo

**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERRY]  
**Sent:** 7/31/2017 2:26:36 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]  
**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Jones, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5359a840310f4997be5157ffbbdd3708-JONES, DOUG]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Budd, Blair (Kathryn) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group

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(FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group  
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=ff90dda6717f4df4b8b78526a0b2a98f-DHopki02]; Roberts, Timothy-P [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=0d75a73145564b4b932c9ab3dbbacf3e-Roberts, Timothy-P]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Owen McAleer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=useread80711]; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]

**Subject:** Agenda for P&P Co-Chairs Call - Tuesday, August 1

Hello,

A short list of topics for tomorrow's call, below. Talk to you soon!

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Agenda for 8/1/17 P&P Co-Chairs Call

**Date:** Tuesday, August 1, 2017  
**Time:** 1:00 – 2:00 p.m. (Eastern)

## Ex. 6

1. **Welcome & Roll Call** (Andrea Barbery)
2. **ECOS Meetings Recap** (Pat Stevens)  
Purpose: To report out on highlights from ECOS STEP and ECOS-EPA Leadership Meetings
3. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien & Mike Osinski)  
Purpose: To give an update on current activities
4. **State Grants Subgroup**  
Purpose: Update on recent activities (Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo)

**Next Call:** Tuesday, Sept. 5



Message

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**From:** Alexandra Dapolito Dunn [adunn@ecos.org]  
**Sent:** 3/17/2017 7:46:24 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Hanson Carolyn [chanson@ecos.org]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**CC:** Stine, John (MPCA) [john.stine@state.mn.us]; Todd Parfitt [todd.parfitt@wyo.gov]; Rudolph, Martha [martha.rudolph@state.co.us]; slongsworth@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user301a2eda]; keogh@adeq.state.ar.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8fde384118954a20be1f9210c502d14b-keogh@adeq.]  
**Subject:** Draft Agenda for Tuesday 3 PM.....ECOS All Member Call w Administrator Pruitt & Hopefully Layne  
**Attachments:** March 21 All Member Call Agenda- DRAFT (1).docx

Know Layne is not confirmed but here's a working draft for the ECOS All Member Call. Let's talk Monday! I'll want to send the final agenda COB Monday no later.

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

50 F Street, NW, Suite 350

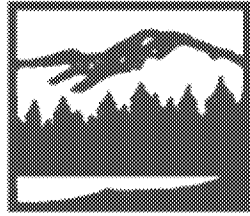
Washington, DC 20001

202-266-4929 (T), **Ex. 6** 202-266-4937 (F)

adunn@ecos.org; Twitter @ECOStates

See my research: <http://ssrn.com/author=1356207>

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, [www.ecos.org](http://www.ecos.org)



ECOS

## **Monthly All-Member Call**

### **A Dialogue with Administrator Pruitt**

**Tuesday, March 21, 2017**

**3:00 – 4:00 p.m. Eastern**

**Dial in: (888) 450-5996, Pin 838379#**

**Due to large participation, please employ your telephone's mute button or use \*6 to mute/unmute your line during the call!**

- I. Roll Call & Opening Remarks (300-305)**  
John Linc Stine, ECOS President & Commissioner, Minnesota Pollution Control Agency
- II. Remarks from Administrator Pruitt (305-325)**  
Scott Pruitt, Administrator, U.S. Environmental Protection Agency
- III. Discussion with Administrator Pruitt (325-340)**  
Moderated by ECOS Officers  
Martha Rudolph, Director of Environmental Programs, Colorado Department of Environment & Public Health  
Todd Parfitt, Director, Wyoming Department of Environmental Quality  
Becky Keogh, Director, Arkansas Department of Environmental Quality
- IV. Welcome and Introduction to Layne Bangerter (340-350)**  
Layne Bangerter, Deputy Associate Administrator, Office of Intergovernmental Relations, U.S. Environmental Protection Agency
- V. ECOS Business, Closing Remarks, & Adjourn (350-400), Stine**

Message

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**From:** Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]  
**Sent:** 5/1/2017 8:05:10 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bowles, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13cc9993651c44f1a2818d6b73907f2c-sbowles]; Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]; stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldonado]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice

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omcaleer@ecos.org; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
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Jerah.Sheets@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=34cbeb01c94942ddaa5ddad152b2c3dc-Jerah.Sheet]; Bryant, Tracy  
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DNR [Ashley.Hoekstra@wisconsin.gov]; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange  
Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]  
**Subject:** Re: Agenda for P&P Co-Chairs Call -- Tuesday, May 2

Thanks Andrea. I think the agenda looks good as well.

Sent from my iPhone

On May 1, 2017, at 1:40 PM, Barbery, Andrea <Barbery.Andrea@epa.gov> wrote:

My apologies for the typo in the call-in number. Please see the correction, below! (It's the same number we always use)

---

**From:** Barbery, Andrea

**Sent:** Monday, May 01, 2017 11:44 AM

**To:** gary.baughman@state.co.us; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov;  
william.ehm@dnr.iowa.gov; Valerie.Thomson@deq.virginia.gov; wwaskin@des.state.nh.us;  
pamela.mckinney@tceq.texas.gov; bgraves@ecos.org; OBrien, Kathy <Obrien.Kathy@epa.gov>;  
Richardson, RobinH <Richardson.RobinH@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>;  
Wagner, Kenneth <wagner.kenneth@epa.gov>; Layman, Joseph <Layman.Joseph@epa.gov>; Shaw,  
Nena <Shaw.Nena@epa.gov>

**Cc:** Bowles, Scott <Bowles.Scott@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>;  
stephers@dhec.sc.gov; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan <jencius.morgan@epa.gov>;  
Maldonado, Mayra <maldonado.mayra@epa.gov>; Santos, Marco <santos.marco@epa.gov>; Sumpter,  
Richard <Sumpter.Richard@epa.gov>; Bulanowski, Gerard <Bulanowski.Gerard@epa.gov>; Wood,  
MelanieL <Wood.MelanieL@epa.gov>; Vuong, Stephanie <Vuong.Stephannie@epa.gov>; Brookshire,  
Malena <Brookshire.Malena@epa.gov>; Greenblott, Joseph <Greenblott.Joseph@epa.gov>; Burchard,  
Beth <Burchard.Beth@epa.gov>; Murphy, Dan <Murphy.Dan@epa.gov>; Gollan, Christopher  
<Gollan.Christopher@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Milazzo, Julie  
<Milazzo.Julie@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov>; Walters, Margaret  
<Walters.Margaret@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>; Roberts, Timothy-P  
<Roberts.Timothy-P@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; omcaleer@ecos.org;

Osinski, Michael <Osinski.Michael@epa.gov>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Kennedy, Chandra <Kennedy.Chandra@epa.gov>; Jerah.Sheets@dnr.iowa.gov; Bryant, Tracy <Bryant.Tracy@epa.gov>; Ashley.Hoekstra@wisconsin.gov; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>

**Subject:** Agenda for P&P Co-Chairs Call -- Tuesday, May 2

Greetings,

Please find, below, the agenda for tomorrow's P&P Co-Chairs call. Lots of good work to discuss!

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Agenda for 5/2/17 P&P Co-Chairs Call

**Date:** Tuesday, May 2, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

Call-in: **Ex. 6**  
Access code **Ex. 6**

1. <!--[if !supportLists]--><!--[endif]-->**Welcome & Roll Call** (Andrea Barbery)
2. <!--[if !supportLists]--><!--[endif]-->**ECOS Spring Meeting follow up** (Pat Stevens, Bill Ehm)  
Purpose: To report out on Spring Meeting actions (side meeting, resolutions)
3. <!--[if !supportLists]--><!--[endif]-->**Regional (+WI) visits** (Ken Wagner, Pat Stevens)  
Purpose: Highlights/summary of Regional visits (& visit to WI DNR)
4. <!--[if !supportLists]--><!--[endif]-->**Budget update** (Joe Layman)  
Purpose: Latest update on post- Apr. 28 budget
5. <!--[if !supportLists]--><!--[endif]-->**NPM Guidance/NEPPS Workgroup** (Kathy O'Brien, Mike Osinski)  
Purpose: To give an update on current activities, including GAO Performance Partnerships report
6. <!--[if !supportLists]--><!--[endif]-->**EPA MOA w/Dept. of Commerce** (Nena Shaw)  
Purpose: To share efforts to streamline domestic manufacturing permitting
7. <!--[if !supportLists]--><!--[endif]-->**Pew Charitable Trusts report** (Beth Graves)  
Purpose: To announce effort by Pew Charitable Trusts to write a report on state efforts around BPL/regulations
8. <!--[if !supportLists]--><!--[endif]-->**State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo)  
Purpose: To report out on 4/27 call

**Next call:** Tuesday, June 6

Message

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**From:** Baughman - CDPHE, Gary [gary.baughman@state.co.us]  
**Sent:** 7/26/2017 6:02:38 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfc74047b789ca42abcf1274-Milazzo, Julie]; Holliday, Kysha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; Hopkins, Daniel

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Ashley.Hoekstra@wisconsin.gov; Budd, Blair (Kathryn) [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]

**Subject:** Re: UPDATED: Notes from July 11 P&P Co-Chairs Call

Good catch by OCFO, otherwise this looks accurate to me.

Thanks Andrea!  
Gary

**Gary W. Baughman**  
Division Director



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On Wed, Jul 26, 2017 at 11:39 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Thanks to OCFO for pointing out that, since the July 11 call, the comment period for the draft NPM Guidances has been extended by one week, from July 28 to August 4. Please see the updated notes, below (change highlighted in yellow).

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

**From:** Barbery, Andrea

**Sent:** Wednesday, July 26, 2017 11:56 AM

**To:** gary.baughman@state.co.us; 'Elaine.Boyd@tn.gov' <Elaine.Boyd@tn.gov>; 'patrick.stevens@wisconsin.gov' <patrick.stevens@wisconsin.gov>; 'Ehm, William' <william.ehm@dnr.iowa.gov>; 'Thomson, Valerie (DEQ)' <Valerie.Thomson@deq.virginia.gov>; wwaskin@des.state.nh.us; 'pamela.mckinney@tceq.texas.gov' <pamela.mckinney@tceq.texas.gov>; 'Beth Graves' <bgraves@ecos.org>; OBrien, Kathy <Obrien.Kathy@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>  
**Cc:** stephers@dhec.sc.gov; 'Sharon.Tahtinen@dnr.iowa.gov' <Sharon.Tahtinen@dnr.iowa.gov>; Jencius, Morgan <jencius.morgan@epa.gov>; 'Mayra Maldonado' <Maldonado.Mayra@epa.gov>; Santos, Marco <santos.marco@epa.gov>; Sumpter, Richard <Sumpter.Richard@epa.gov>; Bulanowski, Gerard <Bulanowski.Gerard@epa.gov>; Wood, MelanieL <Wood.MelanieL@epa.gov>; Vuong, Stephanie <Vuong.Stephanie@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>; Greenblott, Joseph <Greenblott.Joseph@epa.gov>; Burchard, Beth <Burchard.Beth@epa.gov>; Murphy, Dan <Murphy.Dan@epa.gov>; Gollan, Christopher <Gollan.Christopher@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>; Roberts, Timothy-P <Roberts.Timothy-P@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; 'omcaleer@ecos.org' <omcaleer@ecos.org>; Dexter, Michael <Dexter-Luffberry.Michael@epa.gov>; Layman, Joseph <Layman.Joseph@epa.gov>; 'Jerah.Sheets@dnr.iowa.gov' <Jerah.Sheets@dnr.iowa.gov>; 'Ashley.Hoekstra@wisconsin.gov' <Ashley.Hoekstra@wisconsin.gov>  
**Subject:** Notes from July 11 P&P Co-Chairs Call

Hello,

Below are notes from the July P&P Co-Chairs Call – I welcome your edits.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

Notes from 7/11/17 P&P Co-Chairs Call



### **ECOS' Cooperative Federalism 2.0 Paper**

Division Administrator Pat Stevens summarized ECOS's June 12 Cooperative Federalism 2.0 paper. The paper lays out the roles and functions of federal and state regulators under a cooperative federalism structure, and provides an initial list of issues to which the ideas in the paper can be applied. CF2.0 represents the consensus opinion of the state environmental agency leaders, and was sent to leaders of relevant Congressional committees for consideration. Region 8 noted a good discussion occurred around this paper, in a recent meeting of the R8 states' environmental and oil and natural gas directors.

### **ECOS STEP Meeting & ECOS-EPA Leadership Meeting**

Stevens announced key agenda topics planned for the July 17 State Environmental Protection (STEP) Meeting and the July 18 meeting of the ECOS Executive Committee with EPA's leadership. STEP 2017: Reframing Our Environmental Future explored the roles of, and opportunities for collaboration between, the various stakeholders in the nation's environmental enterprise, from state and federal regulators, to the business community, to community organizations and NGOs, and finally the role of research, technology, and science. ECOS' STEP meetings are designed to be conversational, with panelists serving as discussion facilitators and audience engagement is strongly encouraged. Following the full-day STEP meeting, ECOS leaders are invited to meet with EPA political and career leaders to continue the cooperative federalism discussion, including opportunities for state engagement on the agency's Superfund Task Force activities and the Waters of the U.S. Rulemaking.

### **ECOS Green Report on BPI Skills Exchange**

Owen McAleer (ECOS) summarized ECOS' findings from the 2016 BPI Skills Exchange ([link](#)). This project, funded in part through a cooperative agreement with EPA's Office of Policy, was carried out under the leadership of the ECOS Innovation and Productivity Committee, headed by Director John Mitchell of Kansas and Director Misael Cabrera of Arizona. Representatives from states with Lean experience were paired with, and traveled to, states looking to grow their Lean and business process improvement capacity for 2-day trainings which occurred between Sept. 2016 and Feb. 2017. State mentor-mentee pairs included CO-MT, VT-TN, and IA-DE. ECOS anticipates facilitating a second round of knowledge sharing in 2017-2018.

### **NPM Guidance/NEPPS Workgroup**

Kathy O'Brien (OCFO) announced the draft FY18-19 NPM guidance documents were posted to EPA's website, with NPM-specific calls scheduled. The purpose of the calls is to give states an opportunity to hear about the impact of the FY18 president's budget request to their programs, and give an opportunity to ask questions. The public comment period for the draft guidances is open until July 28, with final guidances expected for release on Aug. 21. (Note: since this call, the Agency has extended the public comment period for the NPM Guidance by one week, now July 28 through August 4. A decision will be made shortly on the schedule for finalizing the guidances.) OCFO is aware that states and Regions are already negotiating grant workplans for FY18, and flexibility is to be expected given uncertainty around the FY18 budget. OCIR thanked ECOS and states for the early input on the NEPPS NPM guidance. OCFO flagged for the group upcoming Congressional activities that were likely to differ from the FY18 President's Budget request, resulting in adjustments likely needed to the agency's operating plan when a final budget is issued. R8 stated OGD is encouraging flexible thinking on state and EPA/Regional parts, to reduce burden when funds do come through; one suggestion is for states to request the funds they want but build the work plan in such a way that if not all components are fully funded, certain portions of the work that are funded can still continue. ECOS reminded the group of the pen and ink changes policy under GPI 12-06: Timely Obligation, Award, and Expenditure of EPA Grant Funds (see Section 7.2.c on p. 3). The State Grants Subgroup continues to work closely with OGD on the timely award of funds in order to minimize unexpended obligations.

Mike Osinski (OCIR) reported out on the results of OCIR's bi-annual NEPPS Implementation Survey. Every 2 years, OCIR works with the Regions to collect information on the use of PPGs to get a snapshot of how NEPPS is being implemented nationally. New this year is the inclusion of tribal PPG data. OCIR shared the

report with ECOS and appreciates ECOS' review and corrections. OCIR is working through 508 compliance issues but intends to post the graphics-heavy report on the agency website as soon as possible.

**State Grants Subgroup**

*The State Grants Subgroup did not have a call in June, so no updates were provided on this call. The SGS will meet again on July 27, 2017.*

**Next Call:** Tuesday, August 1

Message

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**From:** Ehm, William [william.ehm@dnr.iowa.gov]  
**Sent:** 6/28/2017 9:28:20 PM  
**To:** Barbary, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbary]; patrick.stevens@wisconsin.gov  
**CC:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Kennedy, Chandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=563df6b7ddca495f9c685da64f2babbf-Kennedy, Chandra]; Jerah.Sheets@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=34cbeb01c94942ddaa5ddad152b2c3dc-Jerah.Sheet]; Ashley.Hoekstra@wisconsin.gov  
**Subject:** Re: Draft agenda for P&P Co-Chairs Call (July 11)

Andrea,

I will be unable to participate in the July 11 meeting.

Pat, I will let you handle the Cooperative Federalism 2.0 conversation. The Region 7 states will be meeting that day with EPA discussing the same topic.

Bill

On Wed, Jun 28, 2017 at 4:07 PM, Barbary, Andrea <[Barbary.Andrea@epa.gov](mailto:Barbary.Andrea@epa.gov)> wrote:

Hello,

Below is a short list of items to discuss on our next P&P Co-Chairs Call. I welcome ideas for additional topics by Wed/July 5!

Thanks,

Andrea Barbary

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

DRAFT Agenda for 7/11/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)

2. **ECOS' Cooperative Federalism 2.0 Paper**

Purpose: To summarize ECOS' position paper on cooperative federalism ([link](#))

Suggested speakers: Pat Stevens & Bill Ehm

3. **ECOS Green Report on BPI Skills Exchange**

Purpose: To summarize ECOS' findings from the 2016 BPI Skills Exchange ([link](#))

Suggested speakers: Beth Graves & Owen McAleer

4. **NPM Guidance/NEPPS Workgroup**

Purpose: To give an update on current activities, including results of NEPPS Implementation Survey

Suggested speakers: Kathy O'Brien & Mike Osinski

*Note: The State Grants Subgroup did not have a call in June, so no updates from this group.*

**Next Call:** Tuesday, August 1

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**Bill Ehm** | Division Administrator

Iowa Department of Natural Resources

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Message

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**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERRY]  
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**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617b9dc74047b789ca42abcf1274-Milazzo, Julie]; Holliday, Kysha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]

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(FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]

**Subject:** Agenda for today's P&P Co-Chairs Call

**Attachments:** Memo\_FY 2018-2019 NPM Supplemental Guidance\_FINAL\_6-2-2017.pdf; 508 Compliant FY 2018-2019 NPM Guidance Template Final 05.23 17.docx

Hello,

Below is the agenda for this afternoon's P&P Co-Chairs Call. Talk to you soon!

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Agenda for 6/6/17 P&P Co-Chairs Call

**Date:** Tuesday, June 6, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in:**

Ex. 6
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**Code:**

Ex. 6
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1. **Welcome & Roll Call** (Andrea Barbery)
2. **NPM Guidance/NEPPS Workgroup** (Joe Greenblott & Mike Osinski)  
Purpose: To give an update on current activities (see attachments and )
3. **State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo)  
Purpose: To report out on 5/25 call
4. **Need to reschedule July P&P call**  
Purpose: to agree on an alternative date/time for the (currently scheduled) July 4 P&P Call.  
Recommendation: Tuesday, July 11 @ 1:00 p .m. Eastern?

**Next Call:** TBD

## FY 2018-2019 NPM GUIDANCE TEMPLATE

### GENERAL INSTRUCTIONS

- Use the following Section 508-compliant outline on the following pages as a template to draft your NPM Guidances.
- NPM Guidances should have a title sheet that includes: [Office] National Program Manager Guidance, Fiscal Year 2018-2019, the date and NSCEP number, followed by a paginated table of contents. The title on the title page should be styled as Heading 1.
- Include a running header starting with the Contents page.
- Creating headers: Highlight the relevant text and from “Home” ribbon select either Heading 2 or Heading 3 from the “Styles” command (or copy the existing title placeholders in the template)
  - Main sections are Heading 2 (INTRODUCTION, KEY PROGRAMMATIC ACTIVITIES, APPENDICES)
  - Each **Program Area Title** and each **Appendix Title** should be formatted as Heading 3. Each word in the title should be capitalized.
- Begin each major section (Heading 2) and each individual appendix on a new page.
- The table of contents can be updated by right clicking on it or left clicking on “update Table,” select (left click) “Update Entire Table” and left click “OK”.

[Program Office]  
NATIONAL PROGRAM MANAGER  
GUIDANCE  
FISCAL YEAR 2018-2019

[Date]  
[NSCEP Number]



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## I. INTRODUCTION

[Provide one page or less narrative, includes:

- FY 2018 budget context
- Overview of key programmatic activities for FY 2018-2019
- A sentence linking to OCFO's NPM Guidance Overview, which will be posted on the NPM Guidance Website.]

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## II. KEY PROGRAMMATIC ACTIVITIES

Program Area Title X

[Provide short narrative describing program area]

- Activity [Bullet format, as many as needed. Provide concise summary of most important programmatic activities to be carried out in FY 2018-2019, consistent with the FY 2018 budget. Specify organization(s) responsible for the activities (HQ, Regions, states and/or tribes)]
- Activity

**Measures:** [List of supporting measures, as many as needed. Cite where in the Measures Appendix the supporting measures are described ([e.g., "See ACS measures with code numbers (insert #) in Appendix # on pages #)].

Program Area Title Y

- Activity
- Activity

Measures:

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## APPENDICES

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Appendix A: FY 2018 NPM Guidance Measures.

[Use the FY 2018 NPM Guidance Measures Appendix Template to communicate FY 2018 measures, national planning targets, non-commitment indicators and any comments or clarification.]

[ PAGE \\* MERGEFORMAT ]

[Office's] FY 2018-2019 NPM Guidance

Appendix B: Grants Guidance [optional]

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Appendix C: Point of Contact for More Information

[Use the Key Contacts Template to identify the key contacts for each national area of focus and program area.]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 02 2017

OFFICE OF THE  
CHIEF FINANCIAL OFFICER

**MEMORANDUM**

**SUBJECT:** Supplemental Guidance and Updated Milestones for Development of FY 2018-2019 National Program Manager Guidances

**FROM:**  David A. Bloom, Acting Chief Financial Officer  
Office of the Chief Financial Officer

**TO:** Acting General Counsel  
Acting Assistant Administrators  
Inspector General  
Acting Regional Administrators

This memorandum provides supplemental guidance for developing the FY 2018-2019 National Program Manager Guidances, including updated milestones that align with issuance of the FY 2018 President's Budget on May 23.

The agency explored various options for developing this cycle of the NPM guidances in light of the transition to the new administration and the adjusted budget release date. We engaged the advice and input of the U.S. Environmental Protection Agency-State NPM Guidance/National Environmental Performance Partnership System Workgroup.

Based on the workgroup's feedback, the agency will proceed with developing two-year NPM guidances for FY 2018-2019 to maintain alignment with multi-year grant work planning. We will follow a streamlined approach using a template that focuses on key programmatic activities reflected in the FY 2018 PB. The template replaces sections III.2 and IV of the *Office of the Chief Financial Officer's Technical Guidance: FY 2018-2019 National Program Manager Guidance and Annual Commitment Process* dated July 19, 2016 (Technical Guidance). The template and Technical Guidance can be found on EPA's NPM Guidance webpage (<https://www.epa.gov/planandbudget/national-program-manager-guidances>). In addition, we have attached updated milestones.

Thank you for your continued commitment to strengthen the EPA's collaboration internally and with our state and tribal partners. If you have any questions, please contact me or Kathy O'Brien, Director of the Office of Planning, Analysis and Accountability at (202) 564-1167, or your staff may contact Beth Burchard at (202) 564-6981.

Attachment



cc: Acting Deputy Administrator  
Chief of Staff  
Acting Deputy Assistant Administrators  
Deputy Chief of Staff  
Associate Administrators  
Deputy Associate Administrators  
Associate Assistant Administrators  
Acting Deputy Regional Administrators  
Assistant Regional Administrators  
Deputy Assistant Regional Administrators  
Holly Greaves  
Howard Osborne  
Kathy O'Brien  
Michael Osinski  
Headquarters and Regional Planners  
Senior Budget Officers  
Lead Region Coordinators  
NEPPS Coordinators

**KEY MILESTONES**

<b>Date</b>	<b>NPM Guidance Development</b>
<b>May 23, 2017</b>	FY 2018 Congressional Justification and Annual Performance Plan released and published
<b>June 15</b>	NPMs submit to OCFO draft FY 2018-2019 NPM Guidances
<b>June 16 – June 20</b>	OCFO leadership reviews draft NPM Guidances
<b>June 20 – June 23</b>	NPMs revise draft Guidances, obtain NPM leadership approval for public review/comment, and submit public §508-compliant drafts to OCFO
<b>June 28</b>	OCFO posts draft FY 2018-2019 NPM Guidances on Internet for public review/comment
<b>June 28 – July 28</b>	Public comment period: <ul style="list-style-type: none"> <li>• States/Environmental Council of States/NPM conference calls</li> <li>• National teleconference with tribes</li> </ul>
<b>August 10</b>	Draft final FY 2018-2019 NPM Guidances due to OCFO
<b>August 11- August 15</b>	OCFO leadership review
<b>August 18</b>	Final FY 2018-2019 NPM Guidances due to OCFO
<b>August 21</b>	OCFO posts final NPM Guidances to NPM Guidance website
<b>TBD December 2017</b>	OCFO issues supplemental technical guidance for FY 2019 Addendum

<b>Date</b>	<b>FY 2017 Mid-Year Adjustments and Performance Reporting Process</b>
<b>May 22 - June 2, 2017</b>	Annual Commitment System opened to allow mid-year adjustments to FY 2017 commitments
<b>June 9</b>	NPMs notify OCFO of any Mid-Year Adjustments to FY 2017 commitments
<b>Summer 2017</b>	OCFO issues <i>FY 2017 End-of-Year Performance Reporting and Analysis Guidance</i>

<b>Date</b>	<b>FY 2018 Annual Commitment Process</b>
<b>May 23, 2017</b>	NPMs begin engaging regions, states, and tribes in negotiating FY 2018 regional performance commitments
<b>August 18</b>	NPMs initiate FY 2018 commitment process in ACS by entering a value (including “0,” if applicable) in the “Proposed Bid” field for each commitment
<b>August 25</b>	NPMs finalize FY 2018 commitment text in ACS
<b>September 15</b>	FY 2018 draft regional performance commitments (bids) due in ACS. Regions notify <u>Beth Burchard</u> and <u>Kathryn Budd</u> of completion.
<b>September 22</b>	OCFO shares FY 2018 draft regional commitment reports with states and tribes to facilitate their review and comment
<b>October 6</b>	Deadline for state and tribal comments on FY 2018 draft regional commitments
<b>October 27</b>	Final FY 2018 regional performance commitments (bids) approved by DRA due in ACS
<b>November 10</b>	NPMs and regions reach final agreement in ACS on FY 2018 regional performance commitments
<b>November 17</b>	NPMs and regions notify <u>Beth Burchard</u> and <u>Kathryn Budd</u> of DAA/DRA approval of final FY 2018 performance commitments in ACS, and acknowledge any unresolved FY 2018 commitments requiring OCFO involvement
<b>December 8</b>	ACS locked to prevent any adjustments to FY 2018 commitments

Message

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**From:** Baughman - CDPHE, Gary [gary.baughman@state.co.us]  
**Sent:** 5/1/2017 3:56:00 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bowles, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13cc9993651c44f1a2818d6b73907f2c-sbowles]; Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]; stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie

[/o=ExchangeLabs/ou=Exchange Administrative Group  
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omcaleer@ecos.org; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
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Jerah.Sheets@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group  
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[/o=ExchangeLabs/ou=Exchange Administrative Group  
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Ashley.Hoekstra@wisconsin.gov; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative  
Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]

**Subject:** Re: Agenda for P&P Co-Chairs Call -- Tuesday, May 2

Thanks Andrea - looks good!

Gary

**Gary W. Baughman**  
**Division Director**



P 303.692.3338 | F 303.759.5355  
4300 Cherry Creek Drive South, Denver, CO 80246  
[gary.baughman@state.co.us](mailto:gary.baughman@state.co.us) | [www.colorado.gov/cdphe/hm](http://www.colorado.gov/cdphe/hm)

On Mon, May 1, 2017 at 9:44 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Greetings,

Please find, below, the agenda for tomorrow's P&P Co-Chairs call. Lots of good work to discuss!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

Agenda for 5/2/17 P&P Co-Chairs Call

**Date:** Tuesday, May 2, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in:** Ex. 6

**Access code:** Ex. 6

1. **Welcome & Roll Call** (Andrea Barbery)
2. **ECOS Spring Meeting follow up** (Pat Stevens, Bill Ehm)  
Purpose: To report out on Spring Meeting actions (side meeting, resolutions)
3. **Regional (+WI) visits** (Ken Wagner, Pat Stevens)  
Purpose: Highlights/summary of Regional visits (& visit to WI DNR)
4. **Budget update** (Joe Layman)  
Purpose: Latest update on post- Apr. 28 budget
5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien, Mike Osinski)  
Purpose: To give an update on current activities, including GAO Performance Partnerships report
6. **EPA MOA w/Dept. of Commerce** (Nena Shaw)  
Purpose: To share efforts to streamline domestic manufacturing permitting
7. **Pew Charitable Trusts report** (Beth Graves)  
Purpose: To announce effort by Pew Charitable Trusts to write a report on state efforts around BPI/regulations
8. **State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo)  
Purpose: To report out on 4/27 call

**Next call:** Tuesday, June 6

Message

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**From:** Greenblott, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6898FF68EA994D139EAAC212CBE2AE80-GREENBLOTT, JOSEPH]  
**Sent:** 6/6/2017 12:59:10 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamela.mckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Budd, Kathryn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]  
**Subject:** NPM Guidance material for today's P&P Co-Chairs Call  
**Attachments:** Memo\_FY 2018-2019 NPM Supplemental Guidance\_FINAL\_6-2-2017.pdf; 508 Compliant FY 2018-2019 NPM Guidance Template Final 05.23 17.docx

Hi all,

Kathy is unavailable and I will be covering the call for her today.

As background for today's update on the NPM Guidance/NEPPS Workgroup, please find attached OCFO's supplemental guidance for developing the FY 2018-2019 National Program Manager Guidances. This memo from David Bloom was sent yesterday to agency leadership and includes updated milestones. Also attached is the template NPMs will use for developing their streamlined guidance documents. These are publically available on EPA's NPM Guidances Internet site (<https://www.epa.gov/planandbudget/national-program-manager-guidances>).

Best,

Joe

Dr. Joseph M. Greenblott  
Associate Director, Analysis Division

Office of Planning, Analysis and Accountability  
Office of the Chief Financial Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (2722A)  
Washington, DC 20460

Tel: 202-564-4250  
Fax: 202-564-1808

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**From:** Barbery, Andrea

**Sent:** Friday, May 26, 2017 11:53 AM

**To:** [gary.baughman@state.co.us](mailto:gary.baughman@state.co.us); [Elaine.Boyd@tn.gov](mailto:Elaine.Boyd@tn.gov); [patrick.stevens@wisconsin.gov](mailto:patrick.stevens@wisconsin.gov); [william.ehm@dnr.iowa.gov](mailto:william.ehm@dnr.iowa.gov); [Valerie.Thomson@deq.virginia.gov](mailto:Valerie.Thomson@deq.virginia.gov); [wwaskin@des.state.nh.us](mailto:wwaskin@des.state.nh.us); [pamela.mckinney@tceq.texas.gov](mailto:pamela.mckinney@tceq.texas.gov); [bgraves@ecos.org](mailto:bgraves@ecos.org); OBrien, Kathy <[Obrien.Kathy@epa.gov](mailto:Obrien.Kathy@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Bangarter, Layne <[bangarter.layne@epa.gov](mailto:bangarter.layne@epa.gov)>; Layman, Joseph <[Layman.Joseph@epa.gov](mailto:Layman.Joseph@epa.gov)>; Osinski, Michael <[Osinski.Michael@epa.gov](mailto:Osinski.Michael@epa.gov)>  
**Subject:** Draft Agenda for P&P Co-Chairs Call (June 6)

Hello,

Please see a draft agenda for the P&P Co-Chairs call, set for Tuesday, June 6. Please let me know if you have any other items by COB Fri/Jun 2.

Thank you and have a great weekend!

Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

DRAFT Agenda for 6/6/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)
2. **FY18 President's Budget Request**  
Purpose: To summarize EPA's FY18 Budget Request, other budget news  
Suggested speakers: Joe Layman
3. **NPM Guidance/NEPPS Workgroup**  
Purpose: To give an update on current activities  
Suggested speakers: Kathy O'Brien & Mike Osinski
4. **State Grants Subgroup**  
Purpose: To report out on 5/25 call  
Suggested speakers: Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo
5. **Need to reschedule July P&P call**  
Purpose: to agree on an alternative date/time for the (currently scheduled) July 4 P&P Call.  
Recommendation: Tuesday, July 11 @ 1:00 p.m. Eastern?  
Suggested speakers: all

## FY 2018-2019 NPM GUIDANCE TEMPLATE

### GENERAL INSTRUCTIONS

- Use the following Section 508-compliant outline on the following pages as a template to draft your NPM Guidances.
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- Creating headers: Highlight the relevant text and from “Home” ribbon select either Heading 2 or Heading 3 from the “Styles” command (or copy the existing title placeholders in the template)
  - Main sections are Heading 2 (INTRODUCTION, KEY PROGRAMMATIC ACTIVITIES, APPENDICES)
  - Each **Program Area Title** and each **Appendix Title** should be formatted as Heading 3. Each word in the title should be capitalized.
- Begin each major section (Heading 2) and each individual appendix on a new page.
- The table of contents can be updated by right clicking on it or left clicking on “update Table,” select (left click) “Update Entire Table” and left click “OK”.



[Program Office]  
NATIONAL PROGRAM MANAGER  
GUIDANCE  
FISCAL YEAR 2018-2019

[Date]  
[NSCEP Number]

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## I. INTRODUCTION

[Provide one page or less narrative, includes:

- FY 2018 budget context
- Overview of key programmatic activities for FY 2018-2019
- A sentence linking to OCFO's NPM Guidance Overview, which will be posted on the NPM Guidance Website.]

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## II. KEY PROGRAMMATIC ACTIVITIES

Program Area Title X

[Provide short narrative describing program area]

- Activity [Bullet format, as many as needed. Provide concise summary of most important programmatic activities to be carried out in FY 2018-2019, consistent with the FY 2018 budget. Specify organization(s) responsible for the activities (HQ, Regions, states and/or tribes)]
- Activity

**Measures:** [List of supporting measures, as many as needed. Cite where in the Measures Appendix the supporting measures are described ([e.g., "See ACS measures with code numbers (insert #) in Appendix # on pages #)].

Program Area Title Y

- Activity
- Activity

Measures:

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## APPENDICES

[ PAGE \\* MERGEFORMAT ]

Appendix A: FY 2018 NPM Guidance Measures.

[Use the FY 2018 NPM Guidance Measures Appendix Template to communicate FY 2018 measures, national planning targets, non-commitment indicators and any comments or clarification.]

[ PAGE \\* MERGEFORMAT ]

[Office's] FY 2018-2019 NPM Guidance

Appendix B: Grants Guidance [optional]

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Appendix C: Point of Contact for More Information

[Use the Key Contacts Template to identify the key contacts for each national area of focus and program area.]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 02 2017

OFFICE OF THE  
CHIEF FINANCIAL OFFICER

**MEMORANDUM**

**SUBJECT:** Supplemental Guidance and Updated Milestones for Development of FY 2018-2019 National Program Manager Guidances

**FROM:**  David A. Bloom, Acting Chief Financial Officer  
Office of the Chief Financial Officer

**TO:** Acting General Counsel  
Acting Assistant Administrators  
Inspector General  
Acting Regional Administrators

This memorandum provides supplemental guidance for developing the FY 2018-2019 National Program Manager Guidances, including updated milestones that align with issuance of the FY 2018 President's Budget on May 23.

The agency explored various options for developing this cycle of the NPM guidances in light of the transition to the new administration and the adjusted budget release date. We engaged the advice and input of the U.S. Environmental Protection Agency-State NPM Guidance/National Environmental Performance Partnership System Workgroup.

Based on the workgroup's feedback, the agency will proceed with developing two-year NPM guidances for FY 2018-2019 to maintain alignment with multi-year grant work planning. We will follow a streamlined approach using a template that focuses on key programmatic activities reflected in the FY 2018 PB. The template replaces sections III.2 and IV of the *Office of the Chief Financial Officer's Technical Guidance: FY 2018-2019 National Program Manager Guidance and Annual Commitment Process* dated July 19, 2016 (Technical Guidance). The template and Technical Guidance can be found on EPA's NPM Guidance webpage (<https://www.epa.gov/planandbudget/national-program-manager-guidances>). In addition, we have attached updated milestones.

Thank you for your continued commitment to strengthen the EPA's collaboration internally and with our state and tribal partners. If you have any questions, please contact me or Kathy O'Brien, Director of the Office of Planning, Analysis and Accountability at (202) 564-1167, or your staff may contact Beth Burchard at (202) 564-6981.

Attachment

cc: Acting Deputy Administrator  
Chief of Staff  
Acting Deputy Assistant Administrators  
Deputy Chief of Staff  
Associate Administrators  
Deputy Associate Administrators  
Associate Assistant Administrators  
Acting Deputy Regional Administrators  
Assistant Regional Administrators  
Deputy Assistant Regional Administrators  
Holly Greaves  
Howard Osborne  
Kathy O'Brien  
Michael Osinski  
Headquarters and Regional Planners  
Senior Budget Officers  
Lead Region Coordinators  
NEPPS Coordinators

**KEY MILESTONES**

<b>Date</b>	<b>NPM Guidance Development</b>
<b>May 23, 2017</b>	FY 2018 Congressional Justification and Annual Performance Plan released and published
<b>June 15</b>	NPMs submit to OCFO draft FY 2018-2019 NPM Guidances
<b>June 16 – June 20</b>	OCFO leadership reviews draft NPM Guidances
<b>June 20 – June 23</b>	NPMs revise draft Guidances, obtain NPM leadership approval for public review/comment, and submit public §508-compliant drafts to OCFO
<b>June 28</b>	OCFO posts draft FY 2018-2019 NPM Guidances on Internet for public review/comment
<b>June 28 – July 28</b>	Public comment period: <ul style="list-style-type: none"> <li>• States/Environmental Council of States/NPM conference calls</li> <li>• National teleconference with tribes</li> </ul>
<b>August 10</b>	Draft final FY 2018-2019 NPM Guidances due to OCFO
<b>August 11- August 15</b>	OCFO leadership review
<b>August 18</b>	Final FY 2018-2019 NPM Guidances due to OCFO
<b>August 21</b>	OCFO posts final NPM Guidances to NPM Guidance website
<b>TBD December 2017</b>	OCFO issues supplemental technical guidance for FY 2019 Addendum

<b>Date</b>	<b>FY 2017 Mid-Year Adjustments and Performance Reporting Process</b>
<b>May 22 - June 2, 2017</b>	Annual Commitment System opened to allow mid-year adjustments to FY 2017 commitments
<b>June 9</b>	NPMs notify OCFO of any Mid-Year Adjustments to FY 2017 commitments
<b>Summer 2017</b>	OCFO issues <i>FY 2017 End-of-Year Performance Reporting and Analysis Guidance</i>

<b>Date</b>	<b>FY 2018 Annual Commitment Process</b>
<b>May 23, 2017</b>	NPMs begin engaging regions, states, and tribes in negotiating FY 2018 regional performance commitments
<b>August 18</b>	NPMs initiate FY 2018 commitment process in ACS by entering a value (including “0,” if applicable) in the “Proposed Bid” field for each commitment
<b>August 25</b>	NPMs finalize FY 2018 commitment text in ACS
<b>September 15</b>	FY 2018 draft regional performance commitments (bids) due in ACS. Regions notify <u>Beth Burchard</u> and <u>Kathryn Budd</u> of completion.
<b>September 22</b>	OCFO shares FY 2018 draft regional commitment reports with states and tribes to facilitate their review and comment
<b>October 6</b>	Deadline for state and tribal comments on FY 2018 draft regional commitments
<b>October 27</b>	Final FY 2018 regional performance commitments (bids) approved by DRA due in ACS
<b>November 10</b>	NPMs and regions reach final agreement in ACS on FY 2018 regional performance commitments
<b>November 17</b>	NPMs and regions notify <u>Beth Burchard</u> and <u>Kathryn Budd</u> of DAA/DRA approval of final FY 2018 performance commitments in ACS, and acknowledge any unresolved FY 2018 commitments requiring OCFO involvement
<b>December 8</b>	ACS locked to prevent any adjustments to FY 2018 commitments

Message

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**From:** Ehm, William [william.ehm@dnr.iowa.gov]  
**Sent:** 7/24/2017 5:40:50 PM  
**To:** Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfcd74047b789ca42abcf1274-Milazzo, Julie]; Ashley.Hoekstra@wisconsin.gov  
**Subject:** Re: Draft agenda for P&P Co-Chairs Call (Aug. 1)

Andrea and all: I will be unable to be on the call on August 1st.  
Bill

On Mon, Jul 24, 2017 at 12:36 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hello,

A draft agenda for the next P&P Co-Chairs Call on Aug 1 is below. Please let me know if you have any suggestions by this Friday/28th.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

DRAFT Agenda for 8/1/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)

2. **ECOS Meetings Recap**

Purpose: to report out on highlights from ECOS STEP and ECOS-EPA Leadership Meetings

Suggested speaker: Pat Stevens

3. **NPM Guidance/NEPPS Workgroup**

Purpose: To give an update on current activities

Suggested speakers: Kathy O'Brien & Mike Osinski

4. **State Grants Subgroup**

Purpose: to summarize July 27 call

Suggested speakers: Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo

**Next Call:** Tuesday, Sept. 5

--



**Bill Ehm** | Division Administrator

Iowa Department of Natural Resources

P 515-725-8300 | F 515-725-8202 | 502 E. 9th St., Des Moines, IA 50319

[www.iowadnr.gov](http://www.iowadnr.gov)

**From:** Nephi Cole [nephi.cole@wyo.gov]  
**Sent:** 4/25/2017 8:06:05 PM  
**To:** Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]  
**Subject:** Waters of the United States (WOTUS) - DC visit  
**Attachments:** 20141113 Final WOTUS comment letter MHMmdm (1).pdf; 20140930 Governor Mead's WOTUS withdrawal comment letter.pdf; 20140707 EPA & Army - Interpretive Rule comments MHMmdm.pdf; 141113 Brown Mead Final Wotus NR.pdf; WOTUS Bill.pdf

Dear Mr. Bangerter,

I hope this email finds you well Layne. I will be traveling to Washington D.C. with Governor Mead on Wednesday and Thursday. If someone from your WOTUS team has time on Thursday, I would love to drop by EPA to discuss the position of Wyoming with regards to Waters of the United States. WOTUS has been one of my primary focus areas for Governor Mead's team - primarily because it has been a significant driver of my workload for over a decade as both an NRCS professional and as the Governor's Policy Advisor for Water.

We were extremely active in the comment phase for the proposals from the previous administration. I have included those comments for you and your team to review. Our Final WOTUS comment letter is the most important, but the others help frame our level of concern, interest, and the fact that we requested many times for the withdrawal of the proposed rule.

I have also included the a Bill which Senate EPW was working. During that process Wyoming had the opportunity to visit on potential solutions and direction. I would strongly encourage your team to look at the guidance that the Senate was providing as a "road map" that could be used to craft a long term solution to this contentious issue.

Wyoming believes strongly that there is opportunity to develop long term clarity in the rule, and that the key to doing so lies in true cooperative federalism.

Thanks for your time Layne, and please let me know if we can be of further assistance on this issue.

--

Nephi John Cole  
Policy Advisor  
Office of Governor Matthew H. Mead  
2323 Carey Avenue  
Cheyenne WY 82002  
Office: (307) 777-3691

**Ex. 6**

Fax: (307) 777-8586

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.



John Hickenlooper  
Governor of Colorado  
Chair

Gary Herbert  
Governor of Utah  
Vice Chair

Dan Crippen  
Executive Director

November 13, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, D.C. 20460

The Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army  
Civil Works  
108 Army Pentagon  
Washington, D.C. 20310

Dear Administrator McCarthy and Assistant Secretary Darcy:

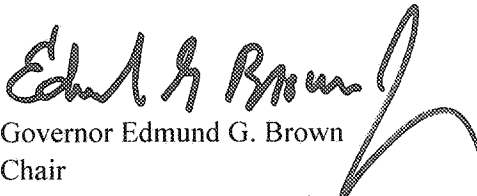
On behalf of the National Governors Association, we write to ask for greater clarity and continued consultation with states regarding your proposal to define what waters come under the jurisdiction of the Clean Water Act.


There is a substantial need to continue to collaborate and consult with states throughout this rulemaking process, as states are the primary authority for regulating waters within their boundaries. The rule should give as much weight and deference as possible to state needs, priorities and concerns, as they will be tasked with much of the responsibility of implementing and enforcing any final rule. We request that you thoughtfully consider the comments by individual states, recognizing their authorities under the CWA, as well as the protections they can provide beyond the scope of the Act.

A key issue for states is increasing clarity in the definitions of the proposed rule determining what constitutes a "significant nexus" between bodies of water for jurisdictional purposes. The rule must be clear for state officials tasked with its implementation. Likewise, developing clarity, in close coordination with states, on the proposed interpretive rule for agricultural exemptions is vital.

We look forward to working with you to increase the level of consultation with states and provide the clarity that is needed for this proposed rule.

Sincerely,

  
Governor Edmund G. Brown  
Chair  
Natural Resources Committee

  
Governor Matt Mead  
Vice Chair  
Natural Resources Committee

## Office of the Governor

July 7, 2014

Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310

Re: Docket Number EPA-HQ-OW-2013-0820

Dear Administrator McCarthy and Assistant Secretary Darcy,

Thank you for the limited extensions to allow for additional comments on this matter. My comments on the proposed Interpretative Rule follow.

The agencies have stated publicly, and continue to state publicly, that their goals related to the Waters of the United States are not new protections, expansion, broadening of coverage, or expanded jurisdiction and regulatory authority. Your agencies have indicated their intention is to save time and money, provide more benefits than cost, and reduce confusion. Given these stated outcomes, the new Interpretive Rule (IR) is way off the mark. It significantly expands the scope of government oversight, effectively restricts the normal farming exemption, and creates new regulatory hurdles. In addition, it increases time and costs to landowners, and would require additional federal funding, not previously required, to provide technical assistance to insure compliance with new requirements.

At the heart of the issue is the definition of the exemption using the USDA Natural Resources Conservation Service (NRCS) standards and specifications for conservation practices. The standards are quantitative, measurable, and technically robust. That is appropriate when creating expectations related to joint investments in conservation where federal dollars are expended.



However, those are voluntary and incentive-based actions. The IR requires the same level of diligence on all of the 56 proposed activities, regardless of the implementing party or funding source.

In order to comply with the new requirements, parties would need to become proficient with the NRCS standards and specifications. They are complex. The NRCS provides multiple levels of training and certification to verify that its conservation planners understand and apply them appropriately. The NRCS has a network of quality control professionals and engineers dedicated to oversight. Private individuals would need to access a similar resource or risk non-compliance. Practices previously exempt such as planting a filter strip or field border, building a forest trail, or creating a firebreak, would now require instructions and documentation. Creating a vegetative filter strip, for example, would have four pages of criteria, considerations, minimum requirements, plans and specifications, operation and maintenance guidelines, and additional technical references. This is not simplification.

Unintended consequences of the application of this IR will be a net reduction in conservation activities. Individuals will face additional time, cost, and complexity in planning and applying conservation practices in farming, if they wish to have assurance that they are in compliance with agency requirements. The hurdles created are disincentive to applying any of the identified practices.

A large number of those individuals who do try to continue with these practices will likely choose to do so with the financial assistance and oversight of the NRCS. "Certification" of adequate adherence to standards and specifications would logically come from that agency. The NRCS is poorly equipped to provide certification effectively in areas where they do not provide significant levels of financial assistance through application of farm bill dollars. NRCS staffing ability to provide "free" technical assistance is limited by budgets. The vast majority of technical assistance the NRCS provides goes to cooperators who have secured financial assistance from the agency. Increases in the amount of funding available for technical assistance to non-farm bill projects will need to be provided, or individuals will be at risk of being non-compliant. The IR will require a significant expansion of the NRCS to provide planning, oversight, and certification. As of now, another agency would be drawn into enforcement without adequate resources.

The IR changes the farming exemption: what was an exemption for normal farming is now application and construction requirements for specified conservation practices. The change is three-fold – to the exemption, to the fundamental role of NRCS conservation standards and specifications, and to the agency itself. NRCS standards and specifications have never been mandatory; they are best practices employed on a voluntary and incentive-based paradigm. Working under the standards and with the agency has always been an optional choice. The proposed IR changes that paradigm. Failure to follow NRCS standards, or equivalents as

Administrator McCarthy  
Assistant Secretary Darcy  
July 7, 2014  
RE: Docket Number EPA-HQ-OW-2013-0820  
Page 3

determined by the agencies, would result in non-compliance. These standards and specifications would become regulatory thresholds. The NRCS *de facto* becomes a regulatory compliance agency.

The scope and breadth of this IR, as well as the possible changes that would follow its implementation, are beyond what the agencies have anticipated. It is expansive, obtrusive, expensive, and substantive. The IR requires more thorough consideration, and possibly Congressional action, prior to implementation. It goes beyond Congressional purpose and intent of the legislation it is intended to support. It should be withdrawn.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew H. Mead', with a long horizontal flourish extending to the right.

Matthew H. Mead  
Governor

MHM:mdm

## Office of the Governor

September 30, 2014

Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310

Re: Docket Number EPA-HQ-OW-2013-0820

Dear Administrator McCarthy and Assistant Secretary Darcy,

I write with deep concern over agency actions in defining "Waters of the United States," Docket ID No. EPA-HQ-OW-2011-0880.

While I thank you for the extensions provided to allow additional comments, it is clear that there are fundamental problems with both process and content that cannot be rectified by the extension. In the best interest of all, the proposed rule needs to be withdrawn.

Several key concerns warrant this action. In a recent meeting with the U.S. Environmental Protection Agency (EPA) in Washington, D.C., (which included the Administrator and several key deputies) the EPA acknowledged that little was done to solicit input specific to the proposed rule prior to publication. EPA staff indicated that the agency considered comment related to previously proposed and withdrawn guidance documents as a substitute. The EPA then acknowledged that additional consultation was needed, and in an attempt to rectify the lack of opportunity for comment, the agency has been working to visit stakeholders and provide information during an extended comment period.

This approach is problematic. These sessions are public meetings publicized as "not recorded, not for comments and only to provide information." Holding public information presentations is an inadequate alternative to public comment and the consultation process that should have occurred specific to this proposed rule. The EPA reached out for input on "guidance," and then plugged this unrelated input into a rulemaking process as comment. This is unacceptable. It invites questions about whether the agency has a pre-determined goal and plans a course of action to arrive at that goal. The EPA's admission that it has little substantive change in preferred direction or content as guidance morphed into rule adds to the question.

There is also a question on the validity of the upcoming “science report” — a still pending report that the EPA has said it is comfortable supports their proposal. The implication — pre-knowledge of the conclusions of the science report not yet issued — raises concern. A report should not be developed to justify a pre-determined agency position as it appears may be the case here. Rather, science should be the neutral foundation to begin discussions with the states (where, for the most part, regulatory responsibility rests) and other interested partners.

In public meetings, the EPA continues to assert that concerns with the content of the proposed rule are unfounded. In presentations a variety of interpretations for the proposed rule have been presented by the EPA. To be clear, the *intent* being expressed by the agency in verbal, non-recorded sessions, does not match the *content* of the proposed rule. The EPA is stating publicly that no new protections, expansion, broadening of coverage, or expanded jurisdiction of regulatory authorities is occurring. The conclusion is not borne out by the content of the rule or by the interpretation of the rule by outside agencies and states. The rule both expands authorities and discounts the narrowed reach directed by the United States Supreme Court in the *Solid Waste Agency of Northern Crook County v. Army Corps of Engineers* and *Rapanos v. United States* decisions.

The EPA has approached agriculture, industry, and government representatives to help “fix” problems being identified. The juxtaposition of assurance that there is no need for concern and hurried “fixing” is unsettling. Cobbling together “fixes” cannot address the significant deficiencies in clarity and content that underlie the proposal. Further, the EPA’s information sharing does not meet the bar of consultation and is misleading at best.

The question is at what point does management responsibility shift from the states to the EPA? This cannot be pre-determined and is as much a question of policy as it is of science, arguably more so. I have growing concern with the EPA and other federal agencies. Decisions are being made without consultation or consideration of the states, the public and outside experts. The current process is directed to justify decisions that have already been made. There is a closing window of opportunity for the EPA to rectify the problems with this rule and to proceed in a manner that is designed to work substantively with partners in regulation — the states.

The EPA should withdraw this proposed rule now.

Sincerely,



Matthew H. Mead  
Governor

MHM:md

cc: The Honorable Michael B. Enzi, U. S. Senate  
The Honorable John Barrasso, U. S. Senate  
The Honorable Cynthia Lummis, U. S. House of Representatives

## Office of the Governor

November 13, 2014

Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310

Re: Docket Number ID No. EPA-HQ-OW-2011-0880

Dear Administrator McCarthy and Assistant Secretary Darcy,

Thank you for the opportunity to comment on the proposed rule, Definition of "Waters of the United States" Under the Clean Water Act, referenced above.

The State of Wyoming has reviewed the proposal and objects to its promulgation as a final rule. The State has serious concerns, summarized in this paragraph, regarding the proposed rule. It does not stem from consultation with the State. It does not incorporate state comments or authorities or recognize state rights under the Clean Water Act (the Act). It attempts to expand the jurisdiction of the Environmental Protection Agency (the EPA) and the Corps of Engineers (the Corps) to new waters beyond the purview of the Act. It lacks quantifiable scientific support. It misapplies the "significant nexus" test. It does not adequately address economic costs and benefits. Further, the EPA has miscommunicated the content and effect of the proposed rule and released a scientific report late, preventing meaningful opportunity for review. The proposed rule is procedurally defective, and it exceeds the jurisdictional limits set by Congress as well as by the Commerce Clause of the U.S. Constitution. It should be withdrawn. A brief discussion of these concerns follows.

The State of Wyoming should have been consulted, its views considered, and its regulatory role retained in any rule change.

Most waters, with the exception of those that are interstate, navigable, or consistently and directly connected to navigable/interstate waters (as established in court decisions) are best regulated by the individual states. This important principle is consistent with the Act, and the proposed rule runs counter to it.

The proposed rule relies on only one purpose of the Act, “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” and ignores the equally important purpose “to recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution, to plan the development and use . . . of land and water resources.” *Compare* Definition of the “Waters of the United States” Under the Clean Water Act, 79 Fed. Reg. 22187, 22194-95 (proposed April 21, 2014) *with* 33 U.S.C. § 1251(a)-(b). The proposed rule overrides the jurisdictional responsibilities of states for waters within their boundaries and places almost every body of water in the country under the control of federal agencies. It takes away the primary rights of the states recognized in the Act.

States should be consulted for any proposed change in regulation under the Act and certainly should have been consulted early and continuously for a drastic proposal like this one. Yet state governments were not appropriately consulted.

On September 12, 2014, Administrator McCarthy hosted a meeting in Washington, D.C. During that meeting, EPA staff acknowledged that little was done to solicit input from policy makers in state government on the proposed rule. The EPA indicated it viewed public comments related to previously proposed and withdrawn guidance documents as sufficient input to move forward. The EPA has been visiting stakeholders to provide “information” during an extended comment period. At least one of these sessions occurred in Wyoming. The EPA announced the discussions were “not recorded, not for official comment, and only to provide information.”

Public information presentations are an inadequate alternative to the consultation process that should have occurred specific to the proposed rule. Using comments received in 2011 on withdrawn guidance in lieu of new consultation for this rulemaking, is unacceptable and falls short of the requirements of Executive Order 13132. *See* 64 Fed. Reg. 43255 (August 10, 1999).

The proposed rule seeks to expand federal jurisdiction to new waters, cuts off the state’s role in jurisdiction over its waters, and provides an inappropriate, new definition of a “tributary” for jurisdictional purposes.

The proposed rule recognizes that some ditches as well as associated features (such as artificially irrigated areas that would revert to uplands should irrigation cease) do not contribute to traditional navigable waters, interstate waters, the territorial seas or impoundments. The proposed rule recognizes that these ditches and associated features are beyond the scope of federal jurisdiction. However, the EPA and the Corps (the Agencies) also express intent to exercise jurisdictional authority over waters that contribute flow either “directly or through another water”. 79 Fed. Reg. 22274. Although the first clause appears to exempt some waters, the second clause effectively nullifies the first.

The proposed rule makes return flows, shallow subsurface groundwater or tail waters (that create artificial wetlands and riparian areas at field bottoms) “waters of the United States” based on

potential for contribution. *Id.* While small streams and ditches can join larger “navigable” streams or interstate waters, it is at the point of joinder that they could be considered jurisdictional, not before. Putting these types of waters under federal jurisdiction could result in limiting or eliminating positive contributions of flow to waters of the United States. The proposed rule creates a disincentive to anything but the full consumptive use of these waters in ditches and small streams. This defeats one of the Act’s purposes — to maintain and restore the Nation’s waters.

In the western United States, a great number of streams and ditches can be legally managed at the discretion of the water right holder to prevent return flows. Ditches carry appropriated water to those with the right to beneficially use that water, and they are regulated by the states. Flows, level of input, and therefore connectivity to waters of the United States are controlled by state law. These waters are not (and should not be considered) “waters of the United States” subject to federal management. The proposed rule is an inappropriate effort to take these waters under federal control.

The Agencies should start over with respect to the proposed rule. They should not try to exert regulatory authority over shallow subsurface groundwater, irrigation ditches, small, intermittent or ephemeral streams, or other small water bodies. They should defer to the states for the regulation of these and all other waters that are intrastate with only minimal or temporary hydraulic conductivity to traditional waters of the United States.

The proposed rule unlawfully enlarges the scope of federal jurisdiction with the proposed definition of “tributaries.” The U.S. Supreme Court, in a plurality opinion in *Rapanos v. United States*, indicated that federal jurisdiction should be constrained to “relatively permanent, standing, or continually flowing bodies of water,” specifically excluding “channels through which water flows intermittently, or ephemerally, or channels that periodically provide drainage for rainfall.” 547 U.S. 715, 739-42 (2006) (Kennedy, J., concurring in judgment). Even Justice Kennedy, on whose opinion the Agencies rely, did not agree the Agencies have jurisdiction over “remote and insubstantial” waters that “may flow into traditional navigable waters.” *Id.* at 778-779.

Justice Kennedy objected to an interpretation of the Act that extended jurisdiction to remote features carrying little and even no water. *Id.* In contrast, the proposed rule defines tributaries, for jurisdictional purposes, to include any feature, carrying water or not, with a “bed and bank and ordinary high water mark . . . which contributes flow, either directly or through another water.” 79 Fed. Reg. 22274.

The Agencies have disregarded the opinion of the plurality, as well as Justice Kennedy’s interpretation. They act *ultra vires*, under the proposed rule, in trying to take jurisdictional authority over more waters in contradiction to the case law.

The proposed rule makes a number of claims about connectivity to justify asserting federal regulatory authority over all connected waters, regardless of size. The Agencies claim the “scientific literature clearly demonstrates that streams, regardless of their size or how frequently they flow . . . influence how downstream waters function.” 79 Fed. Reg. 22196. This claim is used to arrive at the Agencies’ position that, essentially, all water is connected and thus under the Agencies’ jurisdiction. But saying this does not make it so. The Agencies have given insufficient consideration to quantity and the need to establish “relatively permanent” connections. Likewise, they have incorrectly discounted state primacy.

The Agencies’ proposed definition of tributaries is flawed. It includes any geomorphic feature capable of carrying water (if it can physically be characterized as having a bed, banks and ordinary high water marks) that contributes flow either directly or through another water. It is overbroad, ambiguous and greatly expands federal jurisdiction beyond the scope of the Act. It incorporates dry washes, arroyos, seasonal water bodies, and ephemeral streams (that rarely have sufficient flow and volume to significantly affect more permanent water bodies). Congress clearly intended to limit the Act’s jurisdiction to waters – not to landscape features which can transmit waters or lands which can affect waters.

The Agencies have ignored the Supreme Court’s plurality decision on the need for relatively permanent, standing, or continually flowing bodies of water. The proposed definition of a tributary and the intent to federally regulate tributaries must be reconsidered. Only waters with significant and measureable flows and relatively permanent, continual hydrologic connections to navigable or interstate waters should be included. This would be consistent with Justice Kennedy’s assessment that there must be “some measure of the significance of the connection for downstream water quality.” 547 U.S. at 784-785.

Defining virtually all waters as connected and thus waters of the U.S. is an error. The basis for this approach appears to be Justice Kennedy’s statement that a wetland could be a jurisdictional water if the wetland alone or “in combination with similarly situated lands in the region” had significant nexus to a navigable water. Under the proposed rule, the Agencies have incorrectly determined that Justice Kennedy’s “region” is a watershed. 79 Fed. Reg. 22274. Without any limiting definition, a watershed is far too broad a concept to insert into Justice Kennedy’s “region” calculus. Watersheds are nested and can cover small acreages or thousands of square miles. The watershed approach also disregards Justice Kennedy’s standard which opposes using remote waters with minor flows that may be separated by many miles to establish a significant nexus. 547 U.S. at 778-779.

The proposed rule replaces the Act’s jurisdiction over “waters” with jurisdiction over “watersheds.” This dubious approach extends the federal hook beyond what the law allows, invites contention, ignores states’ regulatory roles and is contrary to the guidance of the courts. The Agencies should work with states to define a quantitative threshold for waters where the authorities of the state and federal government are separated.



Justice Kennedy stated that the Agencies could, through rulemaking, “identify categories of tributaries” that were jurisdictional. 547 U.S. at 781. He specifically identified “volume of flow,” “proximity” and “other relevant considerations” as factors on which to base and limit the categories. *Id.* The Agencies have disregarded both the plurality and Justice Kennedy in their attempt to expand the definition of tributary to include everything.

The Agencies have also failed to provide needed clarity in defining key terms used in the proposed rule. Floodplains, riparian, and upland, are examples defined in scientific literature that need to be likewise spelled out in the proposal. *See* T. Dunne and L.B. Leopold, Water in Environmental Planning (W.H. Freeman & Co., 1978). Failure to adequately define these key terms further increases the possibility for regulatory creep.

The Agencies should establish not if there is a connection but rather at what level waters become relatively permanent or continually flowing bodies that contribute significantly to interstate or navigable streams. They should then develop appropriate categories leaving significant room for the states. Given the science, the Agencies are derelict in failing to propose alternative, quantifiable, and objective measures. The Agencies should withdraw the current proposal and work instead on a quantifiable, standards-based approach, like that suggested by Justice Kennedy.

The lack of a timely release of the science report and the lack of concrete and applicable conclusions are serious problems.

After withdrawing the 2011 guidance, the Agencies appeared to recognize the need for a scientific approach. A “scientific report” was the result. *See* Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, Washington, DC: U.S. Environmental Protection Agency (preliminary draft 2013). Yet the Agencies failed to wait for the final scientific report prior to issuing the proposal, calling into question the integrity of both the report and the proposed rule.

The Agencies put the cart before the horse. They released a rule supposedly backed by science before the science was known and without time for analysis by commenters. When pressed, the EPA has indicated that the conclusions of the science report were unnecessary to those developing comments as the science was already “known.” The draft report included information that essentially described the hydrologic cycle. The reasoning – all water is connected according to the laws of physics so a nexus exists and therefore all waters should fall under federal jurisdiction – is not sound and falls short. It is a faulty bootstrap by which to snatch jurisdiction over all waters. Such a conclusion does not answer the question of relative significance and fails to acknowledge that Congress already recognized the states’ authority over certain waters.

Insufficient consideration has been given to establishing and quantifying metrics for “relatively

permanent” connections within the report. The report should be revised to address quantity and significance and made available for comment prior to another proposal. An adequate report, which does not currently exist, could be the basis for the states and the EPA to discuss the thresholds for state versus federal jurisdiction.

The proposed rule misapplies Justice Kennedy’s “significant nexus” test.

Justice Kennedy used the “significant nexus” test to define the limits of connectivity. The Agencies use it to reach beyond jurisdictional limits.

“Rivers, streams, and other hydrographic features” identifiable as “waters” are the focus of the Act. Justice Kennedy used “nexus” to address wetlands that were relatively close, while refusing to find jurisdiction over “remote and insubstantial waters” that “may flow into traditional navigable waters.” 547 U.S. at 778. The concept of connectivity was used to “trim” the tributaries and wetlands that were under federal jurisdiction (not enlarge them), so only those with a “significant nexus” to traditional navigable waters would be federally regulated. This is consistent with the plurality opinion, which declined to find jurisdiction beyond “relatively permanent, standing or continuous flowing bodies of water,” specifically excluding “channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall.” *Id.* at 739.

The proposed rule uses “nexus” differently. 79 Fed. Reg. 22204. Any relationship that can affect the chemical, physical, or biological condition, no matter how minute, is used by the Agencies to claim connectivity and therefore federal jurisdiction. This approach disregards Justice Kennedy’s opinion. Whereas Justice Kennedy held that the *nexus must exist and be significant* for jurisdiction, 547 U.S. at 779-80, the Agencies’ stance is that a *nexus exists (no matter how remote), so it must be significant*.

The Agencies’ misapplication of the “significant nexus” test is a defect in the proposed rule.

The costs and benefits of the proposed rule are not properly addressed.

The Agencies state that the proposed rule “saves businesses time and money” and “provides more benefits to the public than it costs.” These statements are grossly inaccurate.

The Agencies note savings in Agency expenditures based on an assumption that there will be less field-based, case-specific determinations for jurisdictional authority. While the proposed rule may save some administrative cost if the Agencies assume certain jurisdiction over more waters, it creates an expectation for more services elsewhere. The Agencies have failed to incorporate the weight of additional responsibilities they assume in this proposal.

Under the proposed definitions of waters of the United States, specifically those related to tributaries and the “watershed,” the Agencies would become responsible for significantly more

Section 404 permitting. Additional resources will be required to complete requisite environmental analysis under the National Environmental Policy Act. The cost for those in business and the economic effects of delayed permitting would be staggering.

The Agencies also fail to address the cost to individuals, landowners, businesses and states whose water and property rights will be affected and diminished if the proposed rule is finalized and implemented. The loss of rights is a significant “cost,” which should alone doom this proposal.

Additionally, the negative effects of the Agencies’ Interpretive Rule (IR) for Agricultural Exemptions have not been adequately addressed in terms of economic impact. *See* MEMORANDUM OF UNDERSTANDING Among the U.S. Department of Agriculture, The U.S. Environmental Protection Agency, and the U.S. Department of the Army Concerning Implementation of the 404(f)(1)(A) Exemption for Certain Agricultural Conservation Practice Standards, 2014. The time and cost increases for landowners to comply with new requirements could have devastating impact with far reaching consequences, yet the Agencies do not address them. The Agencies cannot ignore impacts by mislabeling a rule as interpretive.

I have written you previously about the IR. It is substantive. It undercuts the agricultural exemption provided in the Act. It adds a third federal agency, the Natural Resources Conservation Service (NRCS), as a regulator and enforcer. Its implementation would significantly increase costs for multiple federal agencies. What has been an exemption for farming expressly set forth in the Act is no more under the IR. NRCS standards, specifications and certifications, previously inapplicable, take the place of the exemption provided by law. The IR is part of this jurisdiction-expanding rulemaking attempt and it too should be withdrawn.

The economic burden of the proposed rule has been inadequately evaluated. It was based on a narrow perception of those affected and failed to look at the full cost of implementation. Costs to even those industries such as agriculture, that the Agencies claim to have intended to hold exempt, are increased. Costs to other industries will likewise increase. Costs in lost rights, as noted above, are also involved.

The Agencies have not been forthright about the proposed rule.

The proposed rule clearly expands federal jurisdiction over water and diminishes state rights and property rights. Claims are being made publicly by the Agencies to the contrary. For example, EPA has claimed that this proposal does not broaden coverage. *See* EPA Waters of the United States Website. However, on this public website urging support for the proposal, the EPA identifies the lack of existing federal authority to regulate small tributaries as an impediment to its compliance and enforcement efforts and as justification to broaden its authority under the proposed rule.

On its website, the EPA also lamented discontinuing enforcement actions in Arizona because non-point source pollution on small tributaries to the San Pedro River were beyond its regulatory reach. EPA then offered the content of the proposed rule as a solution. It therefore stands to reason that the EPA views the proposed rule as giving the agency jurisdictional tools to control waters previously beyond their reach.

Different messages for different audiences. It is one thing to propose a rule that is excessive, onerous, and in derogation of states; it is another entirely to assure the public that they have misunderstood the proposal and then saddle those same people with the burden of a rule the content and intent of which was misrepresented by the Agencies.

The lack of sincerity, clarity, and the variety of interpretations from the Agencies themselves is troubling and frames the problematic nature of the proposal.

The proposed rule exceeds the jurisdictional limits set by Congress as well as the Commerce Clause of the U.S. Constitution.

The definition of the waters of the United States identifies “navigable” and interstate waters as critical, relying heavily on the Commerce Clause for authorities. *See* 33 U.S.C. §1251 et seq. (1972); U.S. Const. Art. I, Sec. 8, Clause 3. A water, together with other water bodies, forms an interconnected highway to carry commercial goods in interstate and foreign commerce. 547 U.S. at 730-35, 760-61; 79 Fed. Reg. 22271. However, the agencies have ignored the navigability aspect of the Act in its entirety in their tributaries and “watershed” approach.

The proposed rule expands jurisdiction beyond what the Corps has already termed the “outer limits of Congress’s commerce power.” 42 Fed. Reg. 37122, 37144 (July 19, 1977). If the Agencies have been operating at the outer limits of constitutional authority under the current regulatory scheme, Congress should provide a clear indication that the Agencies can go beyond. The Agencies cannot determine on their own to do so.

The remote waters the proposed rule would consider as “waters of the United States” do not have the “substantial [economic] effect on interstate commerce” necessary to sustain Commerce Clause authority. *Gonzales v. Raich*, 545 U.S. 1, 17 (2005).

### Conclusion

The Agencies have been remiss in the assumptions used to create the proposed rule. The lack of collaboration with the states to develop the proposed rule is disappointing. Expanding federal jurisdiction into areas that belong to the states, cherry picking science, and spinning court decisions are unacceptable – they do not withstand scrutiny.

The Agencies are aware of the problems that have plagued this process. They have an opportunity to revisit their decisions and direction on this issue. Doing so would be responsible,

Administrator McCarthy  
Assistant Secretary Darcy  
November 13, 2014  
RE: Docket Number ID No. EPA-HQ-OW-2011-0880  
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beneficial, and respectful of the states – their regulatory partners – and the public. The problems with the proposed rule, and the collaborative process to correct them, will require major revisions and a greatly expanded effort to work with the states.

There are many waters in Wyoming that have not been federally regulated and should not be federally regulated under the Act. They should be left to the State. It is in the best interests of the Agencies – in everyone's best interests – to withdraw the proposed rule. The State of Wyoming asks you to withdraw it.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew H. Mead', with a stylized flourish at the end.

Matthew H. Mead  
Governor

MHM:mdm

cc: The Honorable Michael B. Enzi, U.S. Senate  
The Honorable John Barrasso, U.S. Senate  
The Honorable Cynthia Lummis, U.S. House of Representative

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term “waters of the United States”, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term “waters of the United States”, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Water Quality Protec-

5       tion Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) in section 101(b) of the Federal Water Pol-  
2           lution Control Act (33 U.S.C. 1251(b)), Congress  
3           adopted the principle of cooperative federalism and  
4           limited Federal authority, recognizing that “[i]t is  
5           the policy of the Congress to recognize, preserve,  
6           and protect the primary responsibilities and rights of  
7           States to prevent, reduce, and eliminate pollution, to  
8           plan the development and use (including restoration,  
9           preservation, and enhancement) of land and water  
10          resources, and to consult with the Administrator in  
11          the exercise of his authority under this Act”;

12          (2) adequate consultation with States and local  
13          governments and affected entities is necessary—

14                (A) to ensure that Federal departments  
15                and agencies understand the scope and impacts  
16                of regulatory proposals;

17                (B) to maintain the cooperative federalism  
18                foundation of the Federal Water Pollution Con-  
19                trol Act (33 U.S.C. 1251 et seq.); and

20                (C) to respect the limits on Federal au-  
21                thority; and

22          (3) subchapter II of chapter 5, and chapter 7,  
23          of title 5, United States Code (commonly known as  
24          the “Administrative Procedure Act”), requires each

1 agency to provide notice and an opportunity to com-  
2 ment regarding—

3 (A) information, including scientific and  
4 technical findings, on which the agency relies in  
5 taking a regulatory action; and

6 (B) definitions, exclusions, and standards  
7 that determine the limits of Federal regulation.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Environ-  
12 mental Protection Agency.

13 (2) BODY OF WATER.—The term “body of  
14 water” means a traditional navigable water, terri-  
15 torial sea, river, stream, lake, pond, or wetland.

16 (3) ISOLATED.—The term “isolated”, with re-  
17 spect to a body of water, means the absence of a  
18 surface hydrologic connection to a traditional navi-  
19 gable water.

20 (4) MUNICIPALITY.—The term “municipality”  
21 means a city, town, borough, county, parish, district,  
22 association, or other public entity that—

23 (A) was established by, or pursuant to,  
24 State law; and



1 (B) has authority over the distribution of  
2 water or the disposal of sewage, industrial  
3 waste, or any other waste.

4 (5) POINT SOURCE.—The term “point source”  
5 has the meaning given the term in section 502 of the  
6 Federal Water Pollution Control Act (33 U.S.C.  
7 1362).

8 (6) SECRETARY.—The term “Secretary” means  
9 the Secretary of the Army.

10 (7) STREAM.—The term “stream” means a nat-  
11 ural channel formed by the flow of water that has  
12 a bed, bank, and ordinary high water mark (as de-  
13 fined in section 328.3(e) of title 33, Code of Federal  
14 Regulations (as in effect on the date of enactment  
15 of this Act)).

16 (8) SURFACE HYDROLOGIC CONNECTION.—

17 (A) IN GENERAL.—The term “surface hy-  
18 drologic connection” means a continuous sur-  
19 face connection through which water moves  
20 within a body of water or from 1 body of water  
21 to another.

22 (B) EXCLUSION.—The term “surface hy-  
23 drologic connection” does not include—

24 (i) overland flow of water outside a  
25 body of water (including sheetflow); or

1 (ii) the movement of water below the  
2 surface of the land (including through soil  
3 or groundwater).

4 (C) DETERMINATION OF CONTINUOUS-  
5 NESS.—For purposes of this paragraph, a sur-  
6 face hydrologic connection shall be considered  
7 to be continuous if the connection is continuous,  
8 even if water is not always present, and regard-  
9 less of whether water is conveyed for a short  
10 distance from 1 part of a body of water to an-  
11 other through a manmade feature, such as a  
12 culvert, pipe, or dam.

13 (9) TRADITIONAL NAVIGABLE WATER.—The  
14 term “traditional navigable water” means the water  
15 described in section 328.3(a)(1) of title 33, Code of  
16 Federal Regulations (as in effect on the date of en-  
17 actment of this Act).

18 (10) WETLAND.—The term “wetland” has the  
19 meaning given the term “wetlands” in section  
20 328.3(b) of title 33, Code of Federal Regulations (as  
21 in effect on the date of enactment of this Act).

22 **SEC. 4. REVISED DEFINITION; PRINCIPLES AND PROCESS.**

23 (a) REVISED DEFINITION.—A revision to or guidance  
24 on a regulatory definition of the term “navigable waters”  
25 or “waters of the United States” promulgated or issued

1 pursuant to the Federal Water Pollution Control Act (33  
2 U.S.C. 1251 et seq.) after February 4, 2015, shall have  
3 no force or effect—

4 (1) unless the revision adheres to the principles  
5 under subsection (b); and

6 (2) until after the Secretary and the Adminis-  
7 trator carry out each action described in subsection  
8 (c).

9 (b) PRINCIPLES.—In promulgating a revised regu-  
10 latory definition pursuant to this subsection, the Secretary  
11 and the Administrator shall adhere to the following prin-  
12 ciples:

13 (1) The Federal Water Pollution Control Act  
14 (33 U.S.C. 1251 et seq.) is an Act to protect tradi-  
15 tional navigable waters from water pollution.

16 (2) The term “waters of the United States”  
17 under the Federal Water Pollution Control Act (33  
18 U.S.C. 1251 et seq.) should include—

19 (A) the reach of a stream that is—

20 (i) identified on a map created by the  
21 Administrator before February 4, 2015,  
22 using the United States Geological Service  
23 National Hydrology Dataset Plus at the  
24 1:100,000 scale from Reach Address Data-  
25 base Version 3.1; and

1 (ii) included within the 347,404  
2 stream miles identified by the Adminis-  
3 trator using 1 or more maps described in  
4 clause (i) as a potential source of water for  
5 public drinking water systems; and

6 (B) wetland situated next to a water of the  
7 United States that protects the water quality of  
8 a navigable water by preventing the movement  
9 of pollutants to a navigable water.

10 (3) The term “waters of the United States”  
11 under the Federal Water Pollution Control Act (33  
12 U.S.C. 1251 et seq.) should not include—

13 (A) water that is located below the surface  
14 of the land, including soil water and ground-  
15 water;

16 (B) water that is not located within a body  
17 of water;

18 (C) an isolated pond, whether natural or  
19 manmade, including a farm pond, fish pond,  
20 quarry, mine pit, ornamental pond, swimming  
21 pool, construction pit, fire control pond, sedi-  
22 ment pond, and any other isolated facility or  
23 system that holds water;

1 (D) a system constructed or used for the  
2 purpose of collecting, conveying, holding, or  
3 treating—

4 (i) stormwater or floodwater within  
5 the boundaries of a State, tribal, munic-  
6 ipal, industrial, agricultural, silvicultural,  
7 residential, or Federal facility or operation,  
8 including ditches along agricultural fields,  
9 roads, runways, parking lots, and other in-  
10 frastructure;

11 (ii) wastewater within the boundaries  
12 of a State, tribal, municipal, industrial,  
13 commercial, agricultural, silvicultural, resi-  
14 dential, or Federal facility or operation;

15 (iii) municipal and industrial water  
16 supplies within the boundaries of a State,  
17 tribal, municipal, industrial, commercial,  
18 agricultural, silvicultural, residential, or  
19 Federal facility or operation—

20 (I) including spreading basins for  
21 aquifer storage and recovery or aqui-  
22 fer recharge and recovery; but

23 (II) not including instream res-  
24 ervoirs or other instream facilities; or

1 (iv) water for agricultural or silvicultural  
2 tural purposes by a municipality or at an  
3 agricultural or silvicultural facility or operation,  
4 including irrigation water, a fish  
5 production pond, livestock watering pond,  
6 irrigated field, cranberry growing field, rice  
7 production field, manure lagoon, and farm  
8 pond;

9 (E) a reach of a stream not identified  
10 under paragraph (2)(A) unless the reach,  
11 through a surface hydrologic connection, contributes  
12 in a typical year for that stream flow  
13 to a traditional navigable water of sufficient  
14 volume, duration, and frequency that pollutants  
15 in the channel could degrade the water quality  
16 of the traditional navigable water, based on a  
17 quantifiable and statistically valid measure of  
18 flow established by the Secretary, after providing  
19 public notice and an opportunity for  
20 comment;

21 (F) prior-converted cropland (as defined in  
22 section 12.2(a) of title 7, Code of Federal Regulations  
23 (as in effect on the date of enactment  
24 of this Act)); and

1 (G) any water that is no longer a water of  
2 the United States pursuant to a permit issued  
3 under—

4 (i) section 10 of the Act of March 3,  
5 1899 (commonly known as the “Rivers and  
6 Harbors Appropriation Act of 1899”) (33  
7 U.S.C. 403); or

8 (ii) section 404 of the Federal Water  
9 Pollution Control Act (33 U.S.C. 1344).

10 (4) For purposes of the Federal Water Pollu-  
11 tion Control Act (33 U.S.C. 1251 et seq.), the term  
12 “waters of the United States” should include a sys-  
13 tem described in paragraph (3)(D), or a component  
14 of such a system, if the Secretary or the Adminis-  
15 trator demonstrates that the construction or use of  
16 the system or component—

17 (A) violated Federal law because the con-  
18 struction or use took place within a body of  
19 water that was considered to be waters of the  
20 United States under Federal law in effect on  
21 the date of the commencement of construction  
22 or use without applicable Federal permits, if  
23 any; or

24 (B) took place within a body of water that,  
25 on the date of the commencement of construc-

tion or use, would have been defined as a traditional navigable water if the definition had been in effect on the date of commencement of construction or use, unless—

(i) the system is identified as a point source in a permit issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342);

(ii) the water managed in the system is—

(I) irrigation return flow exempt from permitting under section 402(l)(1) of that Act (33 U.S.C. 1342(l)(1)); or

(II) agricultural stormwater or return flows from irrigated agriculture exempt from permitting under section 502(14) of that Act (33 U.S.C. 1362(14));

(iii) the construction or use of the system is described in subparagraphs (A) and (C) of section 404(f)(1) of that Act (33 U.S.C. 1344(f)(1)); or

(iv) the system is a waste treatment system.



1           (5) In promulgating a revised definition of  
2       waters of the United States, the Secretary or the  
3       Administrator shall take into consideration that—

4                   (A) the use of a body of water by an orga-  
5       nism, including a migratory bird—

6                           (i) is not an effect on water quality;

7                           and

8                           (ii) does not provide a basis for estab-  
9       lishing Federal jurisdiction under the Fed-  
10      eral Water Pollution Control Act (33  
11      U.S.C. 1251 et seq.);

12                   (B) the supply of water to a groundwater  
13      aquifer and the storage of water in an isolated  
14      body of water are issues that—

15                           (i) pertain to the use of water re-  
16      sources that shall not be superseded, abro-  
17      gated, or otherwise impaired by the Fed-  
18      eral Water Pollution Control Act (33  
19      U.S.C. 1251 et seq.) pursuant to sections  
20      101(g) and 510(2) of that Act (33 U.S.C.  
21      1251(g), 1370(2)); and

22                           (ii) do not provide a basis for estab-  
23      lishing Federal jurisdiction under that Act  
24      (33 U.S.C. 1251 et seq.);

1 (C) evaporation, transpiration, condensa-  
2 tion, precipitation, the overland flow of water,  
3 and the movement of water underground are all  
4 part of the water cycle and may connect all  
5 water over sufficiently long periods of time and  
6 distances, but do not provide a basis for estab-  
7 lishing Federal jurisdiction under the Federal  
8 Water Pollution Control Act (33 U.S.C. 1251 et  
9 seq.); and

10 (D) until the Secretary establishes a meas-  
11 ure of flow under paragraph (3)(E) that identi-  
12 fies which stream reaches are part of the tribu-  
13 tary system, the tributary system should be  
14 identified in accordance with paragraph (2)(A).

15 (6) Waters that are waters of the United States  
16 should be identified on maps provided by the Sec-  
17 retary and the Administrator to promote certainty  
18 and transparency in jurisdictional determinations.

19 (c) CONSIDERATION, CONSULTATION, AND RE-  
20 PORT.—

21 (1) CONSIDERATION OF PUBLIC COMMENTS.—

22 Before issuing a proposed regulation pursuant to  
23 subsection (a), the Secretary and the Administrator  
24 shall make available to the public, review, and pub-  
25 lish a response to each comment filed regarding the

1 proposed rule entitled “Definition of ‘Waters of the  
2 United States’ Under the Clean Water Act” of the  
3 Corps of Engineers and the Environmental Protec-  
4 tion Agency (79 Fed. Reg. 22188 (April 21, 2014)).

5 (2) FEDERALISM.—

6 (A) IN GENERAL.—In proposing and pro-  
7 mulgating a regulation pursuant to subsection  
8 (a), the Secretary and the Administrator shall  
9 ensure compliance with the federalism policy-  
10 making criteria and consultation in accordance  
11 with Executive Order 13132 (64 Fed. Reg.  
12 43255 (August 4, 1999)), regardless of whether  
13 the Secretary and the Administrator determine  
14 that the regulation would have any substantial  
15 and direct effect on—

16 (i) States;

17 (ii) the relationship between the Fed-  
18 eral Government and the States; or

19 (iii) the distribution of power and re-  
20 sponsibilities among the various levels of  
21 government.

22 (B) CONSULTATION.—To be meaningful  
23 consultation under section 101(b) of the Fed-  
24 eral Water Pollution Control Act (33 U.S.C.  
25 1251(b)), consultation shall include discussion

1 of alternative approaches and a request for  
2 input and advice on the approaches before pub-  
3 lication of a proposed rule.

4 (3) REGULATORY FLEXIBILITY.—In proposing  
5 and promulgating a regulation pursuant to sub-  
6 section (a), and regardless of whether the Secretary  
7 and the Administrator determine that the regulation  
8 would have a significant impact on a substantial  
9 number of small entities, the Secretary and the Ad-  
10 ministrator shall—

11 (A) carry out the actions described in sec-  
12 tions 603, 604, and 609 of title 5, United  
13 States Code; and

14 (B) in carrying out those actions, take into  
15 consideration the costs of all programs under  
16 the Federal Water Pollution Control Act (33  
17 U.S.C. 1251 et seq.), regardless of whether the  
18 Secretary and the Administrator consider the  
19 costs of the proposed regulation to be direct or  
20 indirect.

21 (4) UNFUNDED MANDATES.—In proposing and  
22 promulgating a regulation pursuant to subsection  
23 (a), the Secretary and the Administrator shall evalu-  
24 ate the intergovernmental and private sector impacts  
25 of the regulation, in accordance with title II of the

1       Unfunded Mandates Reform Act of 1995 (2 U.S.C.  
2       1531 et seq.), regardless of whether the Secretary  
3       and the Administrator—

4               (A) consider the impacts of the proposed  
5       regulation to be direct or indirect; or

6               (B) determine that expenditures resulting  
7       from the proposed regulation would meet the  
8       monetary thresholds established in that Act (2  
9       U.S.C. 1501 et seq.).

10       (5) IMPROVING REGULATION AND REGULATORY  
11       REVIEW.—In proposing and promulgating a regula-  
12       tion pursuant to subsection (a), the Secretary and  
13       the Administrator shall ensure that the regulation  
14       meets the requirements of—

15               (A) Executive Order 12866 (5 U.S.C. 601  
16       note; relating to regulatory planning and re-  
17       view); and

18               (B) Executive Order 13563 (76 Fed. Reg.  
19       3821 (January 18, 2011)).

20       (6) IMPROVING PERFORMANCE OF FEDERAL  
21       PERMITTING AND REVIEW OF INFRASTRUCTURE  
22       PROJECTS.—In proposing and promulgating a regu-  
23       lation pursuant to subsection (a), the Secretary and  
24       the Administrator shall consider—

1 (A) Executive Order 13604 (5 U.S.C. 601  
2 note; relating to improving performance of Fed-  
3 eral permitting and review of infrastructure  
4 projects); and

5 (B) the goal of reducing the time to make  
6 decisions in the permitting and review of infra-  
7 structure projects by the Federal Government.

8 (7) REPORT.—Not later than the date that is  
9 90 days before the date of issuance of a proposed  
10 regulation pursuant to subsection (a), the Secretary  
11 and the Administrator shall submit to the Com-  
12 mittee on Environment and Public Works of the  
13 Senate and the Committee on Transportation and  
14 Infrastructure of the House of Representatives a re-  
15 port that—

16 (A) describes the means by which the pro-  
17 posed regulation, if finalized, would achieve  
18 compliance with—

19 (i) Executive Order 12866 (5 U.S.C.  
20 601 note; relating to regulatory planning  
21 and review), including the means by  
22 which—

23 (I) the regulation would impose  
24 the least burden on society, consistent  
25 with obtaining regulatory objectives,

1 taking into account, among other  
2 things, and to the maximum extent  
3 practicable, the costs of cumulative  
4 regulations; and

5 (II) the Secretary and the Ad-  
6 ministrator identified and assessed  
7 available alternatives to direct regula-  
8 tion;

9 (ii) section 2(i) of Executive Order  
10 13132 (64 Fed. Reg. 43256 (August 4,  
11 1999)), which requires agencies to “act  
12 only with the greatest caution where State  
13 or local governments have identified uncer-  
14 tainties regarding the constitutional or  
15 statutory authority of the national govern-  
16 ment”;

17 (iii) section 3 of that Executive order  
18 (64 Fed. Reg. 43256 (August 4, 1999)),  
19 which requires agencies—

20 (I) to strictly adhere to constitu-  
21 tional principles and statutory author-  
22 ity;

23 (II) to take action limiting the  
24 policymaking discretion of the States  
25 only in cases in which there exists

1 constitutional and statutory authority  
2 for the action;

3 (III) to provide States with max-  
4 imum administrative discretion prac-  
5 ticable, without intrusive Federal  
6 oversight; and

7 (IV) to rely on State policies to  
8 the maximum extent practicable; and

9 (iv) Executive Order 13563 (76 Fed.  
10 Reg. 3821 (January 18, 2011)), including  
11 the public participation requirements of  
12 section 2 of that Executive order, which re-  
13 quire an opportunity for public comment  
14 regarding all pertinent parts of the rule-  
15 making docket, including relevant scientific  
16 and technical findings and seeking the  
17 views of those who are likely to be affected  
18 before issuing a notice of proposed rule-  
19 making;

20 (B) includes the Federalism summary im-  
21 pact statement required by section 3 of Execu-  
22 tive Order 13132 (64 Fed. Reg. 43256 (August  
23 4, 1999));

24 (C) includes the regulatory flexibility anal-  
25 yses required under section 603 of title 5,



1 United States Code, and the report of the re-  
2 view panel required under section 609 of that  
3 title;

4 (D) describes the small government agency  
5 plan, and the State, local, and tribal input  
6 under sections 203 and 204 of the Unfunded  
7 Mandates Reform Act of 1995 (2 U.S.C. 1533,  
8 1534);

9 (E) describes the means by which the pro-  
10 posed regulation is the least costly, most cost-  
11 effective, or least burdensome alternative, in ac-  
12 cordance with section 205 of the Unfunded  
13 Mandates Reform Act of 1995 (2 U.S.C. 1535);

14 (F) describes whether the Secretary and  
15 the Administrator will provide funding to State,  
16 local, and tribal governments to meet the inter-  
17 governmental mandates imposed by the pro-  
18 posed regulation; and

19 (G) describes how the proposed rule will  
20 achieve the goal stated in section 1 of Executive  
21 Order 13604 (5 U.S.C. 601 note; relating to  
22 improving performance of Federal permitting  
23 and review of infrastructure projects) that the  
24 time to make decisions in the permitting and

1 review of infrastructure projects by the Federal  
2 Government be reduced.

3 **SEC. 5. APPROPRIATE EXTENT OF DEFINITION OF NAVI-**  
4 **GABLE WATERS.**

5 Notwithstanding the opinion of the Attorney General  
6 dated September 5, 1979 (42 Op. Att’y Gen. 197 (1979)),  
7 the Secretary shall determine the appropriate extent of the  
8 definition of the term “navigable waters” for purposes of  
9 implementing section 404 of the Federal Water Pollution  
10 Control Act (33 U.S.C. 1344).

11 **SEC. 6. REPORT TO CONGRESS.**

12 Not later than the date that is 3 years after the date  
13 of promulgation of a regulation pursuant to section 4, and  
14 not less frequently than once every 3 years thereafter, the  
15 Comptroller General of the United States, after consulta-  
16 tion with State, local, and tribal governments and other  
17 affected entities, shall—

18 (1) review the jurisdictional determinations  
19 made during the applicable period by the Secretary  
20 and the Administrator; and

21 (2) submit to Congress a report that de-  
22 scribes—

23 (A) the interpretations of the regulation  
24 by—

1 (i) districts of the Corps of Engineers;

2 and

3 (ii) regional offices of the Environ-  
4 mental Protection Agency;

5 (B) whether those interpretations are con-  
6 sistent;

7 (C) if any inconsistency exists, the meas-  
8 ures carried out by the Secretary and the Ad-  
9 ministrator to reduce the inconsistency or an  
10 explanation of the geographic differences that  
11 make the inconsistency appropriate; and

12 (D) the impacts of those interpretations on  
13 Federal permitting and review of infrastructure  
14 projects, and the goal stated in section 1 of Ex-  
15 ecutive Order 13604 (5 U.S.C. 601 note; relat-  
16 ing to improving performance of Federal per-  
17 mitting and review of infrastructure projects)  
18 that the time to make decisions in the permit-  
19 ting and review of infrastructure projects by the  
20 Federal Government be reduced.

21 **SEC. 7. EFFECT OF ACT.**

22 (a) PERMITTING AUTHORITY.—Nothing in this Act  
23 limits the authority of the Secretary or the Adminis-  
24 trator—

1           (1) to require a permit for any discharge under  
2       the Federal Water Pollution Control Act (33 U.S.C.  
3       1251 et seq.); or

4           (2) to take any enforcement action with respect  
5       to an unpermitted discharge under that Act.

6       (b) WATER TRANSFERS.—Nothing in this Act affects  
7       a determination regarding whether the transfer of water  
8       from 1 body of water to another requires a permit under  
9       section 402 of the Federal Water Pollution Control Act  
10      (33 U.S.C. 1342).

11      (c) RETENTION OF STATE AUTHORITY.—Nothing in  
12      this Act places any limitation on the scope of water subject  
13      to State jurisdiction under State law.

Message

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**From:** Barbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
**Sent:** 7/24/2017 5:36:08 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfdc74047b789ca42abcf1274-Milazzo, Julie]  
**CC:** Ashley.Hoekstra@wisconsin.gov  
**Subject:** Draft agenda for P&P Co-Chairs Call (Aug. 1)

Hello,

A draft agenda for the next P&P Co-Chairs Call on Aug 1 is below. Please let me know if you have any suggestions by this Friday/28th.

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

DRAFT Agenda for 8/1/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)
2. **ECOS Meetings Recap**  
Purpose: to report out on highlights from ECOS STEP and ECOS-EPA Leadership Meetings  
Suggested speaker: Pat Stevens
3. **NPM Guidance/NEPPS Workgroup**  
Purpose: To give an update on current activities  
Suggested speakers: Kathy O'Brien & Mike Osinski

4. **State Grants Subgroup**

Purpose: to summarize July 27 call

Suggested speakers: Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo

**Next Call:** Tuesday, Sept. 5



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(FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]

**Subject:** Agenda for P&P Co-Chairs Call - Tuesday, April 4

Hello,

Please see the agenda, below, for tomorrow's P&P Co-Chairs call.

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Agenda for 4/4/17 P&P Co-Chairs Call

1. **Welcome & Roll Call** (Andrea Barbery)
2. **Transition Update** (Andrea Barbery)  
Purpose: Update on new administration staff
3. **Budget update** (Joe Layman)  
Purpose: Status report of current budget situation
4. **ECOS Spring Meeting** (Pat Stevens)  
Purpose: Update on ECOS 2017 Spring Meeting ([Agenda](#))
5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien/Joe Greenblott, Mike Osinski)  
Purpose: Status update for FY18 NPM Guidance planning
6. **State Grants Subgroup** (Valerie Thompson, Wendy Waskin, Pam McKinney, Julie Milazzo)  
Purpose: Summary of recent/upcoming events

**Next Call:** Tuesday, May 2



Message

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**From:** Elaine Boyd [Elaine.Boyd@tn.gov]  
**Sent:** 5/1/2017 4:04:54 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**CC:** patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bowles, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=13cc9993651c44f1a2818d6b73907f2c-sbowles]; Nitsch, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1d117eb89ff410fb6ccd21643b34447-CNitsch]; stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldonado]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice

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Ashley.Hoekstra@wisconsin.gov; Cheatham-Strickland, Latonia [/o=ExchangeLabs/ou=Exchange Administrative  
Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0153e074b9640f1b6aa32cfda4f4bf9-Strickland,]

**Subject:** RE: Agenda for P&P Co-Chairs Call -- Tuesday, May 2

**Attachments:** ATT00001.txt

I agree. Thanks!

Elaine H. Boyd  
Director -- Strategy & Process Improvement  
TN Department of Environment and Conservation  
William R. Snodgrass TN Tower, 2<sup>nd</sup> Floor  
312 Rosa L. Parks Avenue  
Nashville, TN 37243  
615-532-0288  
[Elaine.Boyd@tn.gov](mailto:Elaine.Boyd@tn.gov)



---

**From:** Baughman - CDPHE, Gary [<mailto:gary.baughman@state.co.us>]

**Sent:** Monday, May 1, 2017 10:56 AM

**To:** Barbery, Andrea

**Cc:** Elaine Boyd; [patrick.stevens@wisconsin.gov](mailto:patrick.stevens@wisconsin.gov); [william.ehm@dnr.iowa.gov](mailto:william.ehm@dnr.iowa.gov); [Valerie.Thomson@deq.virginia.gov](mailto:Valerie.Thomson@deq.virginia.gov); [wwaskin@des.state.nh.us](mailto:wwaskin@des.state.nh.us); [pamela.mckinney@tceq.texas.gov](mailto:pamela.mckinney@tceq.texas.gov); [bgraves@ecos.org](mailto:bgraves@ecos.org); OBrien, Kathy; Richardson, RobinH; Bangerter, Layne; Wagner, Kenneth; Layman, Joseph; Shaw, Nena; Bowles, Scott; Nitsch, Chad; [stephers@dhc.sc.gov](mailto:stephers@dhc.sc.gov); [Sharon.Tahtinen@dnr.iowa.gov](mailto:Sharon.Tahtinen@dnr.iowa.gov); Jencius, Morgan; Maldonado, Mayra; Santos, Marco; Sumpter, Richard; Bulanowski, Gerard; Wood, MelanieL; Vuong, Stephanie; Brookshire, Malena; Greenblott, Joseph; Burchard, Beth; Murphy, Dan;

Gollan, Christopher; Jones, Laurice; Milazzo, Julie; Holliday, Kysha; Walters, Margaret; Hopkins, Daniel; Roberts, Timothy-P; omcaleer@ecos.org; Osinski, Michael; Dexter, Michael; Kennedy, Chandra; Jerah.Sheets@dnr.iowa.gov; Bryant, Tracy; Ashley.Hoekstra@wisconsin.gov; Cheatham-Strickland, Latonia  
**Subject:** Re: Agenda for P&P Co-Chairs Call -- Tuesday, May 2

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Thanks Andrea - looks good!

Gary

**Gary W. Baughman**  
**Division Director**



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4300 Cherry Creek Drive South, Denver, CO 80246  
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On Mon, May 1, 2017 at 9:44 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Greetings,

Please find, below, the agenda for tomorrow's P&P Co-Chairs call. Lots of good work to discuss!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

Agenda for 5/2/17 P&P Co-Chairs Call

**Date:** Tuesday, May 2, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in:** **Ex. 6**

**Access code:** **Ex. 6**

1. **Welcome & Roll Call** (Andrea Barbery)

2. **ECOS Spring Meeting follow up** (Pat Stevens, Bill Ehm)

Purpose: To report out on Spring Meeting actions (side meeting, resolutions)

3. **Regional (+WI) visits** (Ken Wagner, Pat Stevens)

Purpose: Highlights/summary of Regional visits (& visit to WI DNR)

4. **Budget update** (Joe Layman)

Purpose: Latest update on post- Apr. 28 budget

5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien, Mike Osinski)

Purpose: To give an update on current activities, including GAO Performance Partnerships report

6. **EPA MOA w/Dept. of Commerce** (Nena Shaw)

Purpose: To share efforts to streamline domestic manufacturing permitting

7. **Pew Charitable Trusts report** (Beth Graves)

Purpose: To announce effort by Pew Charitable Trusts to write a report on state efforts around BPI/regulations

8. **State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pam McKinney, Julie Milazzo)

Purpose: To report out on 4/27 call

**Next call:** Tuesday, June 6

Message

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**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
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**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Sumpter, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3b048d1b8694cebb7eac21c3d5bcb05-SUMPTER, RICHARD]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eeb7617bfc74047b789ca42abcf1274-Milazzo, Julie]; Holliday, Kysha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; Hopkins, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ff90dda6717f4df4b8b78526a0b2a98f-DHopki02]; Roberts, Timothy-P [/o=ExchangeLabs/ou=Exchange Administrative Group

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**Subject:** Notes from April 4 P&P Co-Chairs Call

Hello,

Really good to see so many of you last week at the ECOS Spring Meeting! Please see draft notes from last week's call, below, and let me know if you have any changes/corrections.

Thanks,  
Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

#### Notes from 4/4/17 P&P Co-Chairs Call

#### **Transition Update**

Andrea Barbery (OCIR) announced three new political appointees joining the Administrator's office. **Kenneth Wagner** is a Senior Advisor to the Administrator for Regional and State Affairs. He also serves as the Director of the Office of Regional Operations. Ken will be spending much of his time on the road, doing Regional and state visits. He previously practiced law in Tulsa, OK. **Troy Lyons** is the Associate Administrator for the Office of Congressional and Intergovernmental Relations; Troy most recently worked at Hess Corporation as the Manager of Government Affairs. Also joining OCIR is **Tate Bennett**, who serves as a Senior Advisor. Tate comes to EPA from the National Rural Electric Cooperative Association, and has worked for Senator McConnell and his counterparts in the House.

#### **Budget Update**

Joe Layman (OCFO) reported no status changes associated with the continuing resolution, which expires April 28, 2017.

#### **ECOS Spring Meeting**

Pat Stevens (WI) gave an update on the Planning Committee activities at the ECOS 2017 Spring Meeting. The Planning Committee has 3 resolutions up for discussion:

- 8-10 Strengthening the State-EPA Partnership Including a Continued Commitment to NEPPS ([link](#)),
- 11-1 Objection to U.S. EPA's Imposition of Interim Guidance, Interim Rules, Draft Policy and Reinterpretation Policy ([link](#)), and
- 11-2 Respectful Use of Data ([link](#)).

Planning Committee leaders also plan to convene in-person at the Spring Meeting.

Gerard Bulanowski (R8) inquired about recent remarks by the Administrator regarding a re-commitment to state partnerships. ECOS clarified that the NEPPS resolution under consideration will make changes to reference recent initiatives such as the [2015 NEPPS renewal](#), [Field Guide to Flexibility and Results](#), joint process improvement, etc.

#### **NPM Guidance/NEPPS Workgroup**

Kathy O'Brien (OCFO) shared with the group plans for the FY18/19 NPM Guidance process. With the FY18 President's Budget expected issuance in mid-May, OCFO is considering options for the release of the 18/19 guidances. EPA will

convene the Workgroup after the FY18 PB is released, to discuss what form/scope the guidances should take, and what will be of value to Regions, states, and tribes.

#### **State Grants Subgroup**

The State Grants Subgroup did not meet in March. The next meeting of this group is set for April 27. Beth Graves (ECOS) suggested it would be useful to have a high-level PPG Overview training for new commissioners. OGD is developing a training which will include feedback from the state grants workgroup. ECOS also asked EPA to share data gathered from OCIR's 2016 NEPPS implementation survey, which collected information from EPA Regions on the use of PPAs and PPGs. Mike Osinski (OCIR) stated this information was undergoing QA and will be posted soon. Melanie Wood (R8) asked whether states on the line had a unified permit ("mega-permit") program. Gary Baughman (CO) stated he was not aware of continued pursuit of this effort; he and Melanie agreed to follow up offline.

**Next Call:** Tuesday, May 2

Message

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**From:** Barbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
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**Subject:** Notes from Sept. 5 P&P Co-Chairs Call

**Attachments:** Elevation Policy\_8-15-17.pdf

Hello,

Draft notes from today's P&P call, below. I welcome your edits!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

#### Notes from 9/5/17 P&P Co-Chairs Call

##### 1. **Announcement**

The P&P group wishes Mike Osinski well! Mike started in his new role as Director of the Grants and Interagency Agreements Management Division, in OARM's Office of Grants and Debarment today, after having served for over 13 years in OCIR. Best of luck to Mike in his new role!

##### 2. **EPA Lean Initiatives**

Assistant Deputy Administrator and Chief of Operations Henry Darwin joined the call to discuss his work on the nexus of leaning federal government and cooperative federalism. Having spent 18 years with Arizona DEQ – leading the agency for 5 of those years – he developed a passion for operations and performance, which led Governor Ducey, in 2015, to name him Chief of Operations for the state. In this role, Darwin developed and deployed a lean management system for the state's 35 agencies. Administrator Pruitt brought Darwin on to bring his vision and expertise the federal level, using lean philosophies and processes more strategically to work towards the administration's theme of cooperative federalism. In particular, Darwin is working to identify how we can measure our work towards achieving Cooperative Federalism ("2.0"); the success of any new systems we implement will depend on whether we are measuring the right things. States can expect to see these ideas in EPA's draft FY18-22 Strategic Plan, due out later this month. Between the draft Strategic Plan going out for public comment in September, and its final form expected in February 2018, states will have many opportunities to weigh in on how the agency should achieve its goal. CO asked where EPA is starting on this endeavor; Darwin confirmed that he is working to assess the current state of EPA's operations and where we have an opportunity for improvement. TN shared a desire in the state to move to the next phase in lean, from hosting lean events to

creating more of a lean culture, and asked EPA to share anything that would be helpful to the states as the agency works to improve its own lean culture.

### 3. ECOS Fall Meeting Planning

WI DNR Deputy Administrator Pat Stevens gave an update on preparations for the [2017 ECOS Fall Meeting](#), to be held Sept. 11-12 in Jackson, WY. Stevens highlighted a number of sessions on the [agenda](#), including a session on “Communicating Progress: Telling the State Story Via Measures & Results,” during which ECOS’ Planning Committee will reveal its new web-based dashboard, a snapshot tool designed to quickly show the public states’ progress in meeting 14 common measures. Also on the agenda is a session on “Innovations in Permitting: Improving Outcomes for All Stakeholders,” which will showcase states’ efforts to deliver permitting-related services to its stakeholders. The Planning Committee is also working on a number of resolutions; with a goal of reducing the overall number of resolutions on the books, the Planning Committee will sunset 2 resolutions, renew 2 resolutions, and adopt a new resolution, as follows:

- [Resolution 8-10](#): “Strengthening the State-EPA Partnership Including a Continued Commitment to NEPPS” will be sunset because it has been superseded by the September 2015 “[Renewal of Commitment to the National Environmental Performance Partnership System](#)” as well as ECOS’ [Cooperative Federalism 2.0 paper](#), which goes into greater detail about state-EPA interactions.
- Resolutions [11-1](#): “Objection to U.S. EPA Imposition of Interim Guidance, Interim Rules, Draft Policy, and Reinterpretation Policy” will be combined with [11-8](#): “On the Use of Guidance” to emphasize that EPA guidance should not be used as a substitute for rulemaking or laws.
- [Resolution 14-3](#): “Federal Resources for State Environmental Programs” will be revised to include language from CF2.0, supporting a level of federal funds commensurate with what the federal programs are requiring of the states.
- Resolution 17-TBD (new) on the promulgation of federal rules, stressing the need for EPA to get states’ early input on any rulemaking efforts.

### 4. EPA’s Elevation Policy

Nancy Grantham, Acting Principal Deputy Associate Administrator for the Office of Public Affairs, reported out on EPA’s renewed elevation policy (attached). Issued by Administrator Pruitt on August 15, 2017, the policy mirrors the agency’s January 2016 message and urges EPA employees to elevate concerns quickly and think creatively when a larger environmental or human health issue is at stake.

### 5. NPM Guidance/NEPPS Workgroup

Blair Budd reported out on the draft FY18-19 NPM Guidances, which are currently with senior EPA leaders for review. The public comment period ended Friday, August 4<sup>th</sup>. The agency expects to post the final guidances on [OCFO’s website](#) by Friday, September 29<sup>th</sup>.

ECOS reported out on the Aug. 29 meeting between EPA and ECOS’ Executive Committee to get state input on priorities for the FY19 budget planning process. During the meeting, states expressed support for a budget that aligned with ECOS’ core themes, namely: advancing cooperative federalism and shared responsibilities; defining roles and responsibilities of EPA and the states, and allocating resources accordingly; focusing on environmental results rather than processes; maximizing flexibilities in order to meet our shared environmental responsibilities more effectively and efficiently; prioritizing the funding for core functions; and coordinating with states on research needs. Darwin also shared with the group a note about a key change to the draft FY18-22 Strategic Plan, which will include fewer strategic measures to emphasize the areas where EPA aims to improve its performance (while continuing to deliver on its core work).

### 6. State Grants Subgroup

Wendy Waskin reported out a handful of key topics the SGS is working on, including:

- Simplified Cost Review – EPA is trying to get a sense of how many states have been taking advantage of the simplified Cost Review option, in which states can provide EPA with an assurance that personnel

and travel systems in place are compliant with federal requirements, and in exchange, states do not need to provide specific details in the personnel and travel components of their grant applications. This flexibility is only afforded to single-year grant applications, not multi-year, and EPA is not sure how beneficial this process is for states at this time.

- Direct Charging of Proposal Costs Policy – EPA is seeking state feedback on a draft policy that would allow states to charge for the costs associated with preparing grant applications.
- EPA’s Sustainability Policy – EPA and states discussed the policy – emphasizing that it is voluntary – as well as EPA program office responsibilities, and how compliance is internally tracked.
- PPG training – expected to be out for review in the 1<sup>st</sup> quarter of FY18.

**Next Call:** Tuesday, October 3

## Barbery, Andrea

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**From:** Message from the Administrator  
**Sent:** Tuesday, August 15, 2017 2:02 PM  
**To:** Message from the Administrator  
**Subject:** Policy on Elevation of Critical Environmental and Public Health Issues  
**Expires:** Saturday, October 14, 2017 12:00 AM



**FROM:** E. Scott Pruitt

**TO:** All EPA Employees

In carrying out our mission of protecting human health and the environment, I want to reaffirm the importance of elevating critical environmental and public health issues so that we can properly assess them and respond at appropriate policy and governmental levels in a timely and effective manner.

I have been leading the EPA to promote a healthier environment and strong economy for future generations by focusing on three core principles: rule of law, cooperative federalism and promoting public participation. The agency's role is to faithfully administer the laws Congress has passed, while working with states to address environmental issues with robust public participation. I am asking you to review issues through our statutory role and be eager to assist states, tribes and local governments when we see potential environmental vulnerability, including health risks, whether from air pollution, drinking water contamination, toxic chemicals, hazardous waste or other sources. We must approach our state, tribal and local government leaders as partners in problem solving and work closely with them to address human health and environmental risks.

The EPA issued the original elevation policy on January 21, 2016, following the drinking water crisis in Flint, Michigan. The people of Flint and all Americans deserve a responsive government, and it is important that as an agency we reflect on lessons learned and how we could have responded in a more coordinated manner. I urge all EPA employees to elevate concerns quickly and think creatively when a broader perspective would suggest that a larger public health or environmental issue is at stake.

Today, I am affirming the EPA's formal elevation policy. Leaders at the EPA should continue to encourage staff to elevate issues that have the following characteristics:

- There appears to be a substantial threat to the environment or human health; or
- The EPA is or can reasonably be expected to be a focus of the need for action; or
- Other authorities have a role in addressing the threat and may need federal assistance, including when those authorities appear to be unable to address or unsuccessful in effectively addressing such a threat; or

- Recourse to normal enforcement and compliance tools is not appropriate or unlikely to succeed in the near term;  
or
- High and sustained public attention and concern is possible.

When an issue is elevated at the regional level, it must be communicated to headquarters – both to my office and the national program offices – so that we can ensure that the agency's response is proactive and coordinated. Following the previous elevation memo, program offices and regional offices have developed elevation policies. I have requested that the Executive Management Council develop a common elevation procedure based on best practices and experiences throughout the EPA.

It is our responsibility to ensure good communication at all levels in the agency – among our peers, across organizational lines and between the regions and headquarters. There may be instances that warrant elevation that do not fall specifically in the list provided above. Therefore, I expect you to use sound judgment in elevating issues and to do so in a way that enables us to engage the full decision-making resources of the agency.

Once again, it is my absolute privilege to serve with you. I am confident that in the years ahead we can continue to work together so that our future generations inherit a better and healthier environment.

Message

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**From:** Barbbery, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E219352056EA405A97C93FD9756CEB2B-ABARBERY]  
**Sent:** 9/5/2017 3:46:08 PM  
**To:** gary.baughman@state.co.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f7ee0cf91024d1da050b05846fc3617-gary.baughman@state.co.us]; Elaine.Boyd@tn.gov; patrick.stevens@wisconsin.gov; william.ehm@dnr.iowa.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=516d4840e0c549148f4c80177bd5cb06-william.ehm]; Valerie.Thomson@deq.virginia.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e07d9ca3f23447385157aeb41b6b9dc-vethomson@d]; wwaskin@des.state.nh.us [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bebd76c1e64424db924b5202f5ee68e-wwaskin@des]; pamelamckinney@tceq.texas.gov; bgraves@ecos.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbde02b60ced444782391df25fd1295e-bgraves@eco]; OBrien, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a48465a451794143834fc62527690785-OBrien, Kathy]; Osinski, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a72876794204ff0937fd23848837cc6-MOsinski]; Richardson, RobinH [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fa5c9eb65dc497c81a8dc9ccdb1ffa7-Richardson, RobinH]; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Darwin, Henry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ae8e9d24eeb4132b25982e358efbd9d-Darwin, Hen]  
**CC:** stephers@dhec.sc.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e70585bf0785432e92338a7e0c1d713a-stephers@dhec.sc.gov]; Sharon.Tahtinen@dnr.iowa.gov; Jencius, Morgan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b7105fa3c8c74cda87aac1089267cfb2-MJencius]; Maldonado, Mayra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8181a34da68e4e69b1ad53dd4a266780-MMaldo02]; Santos, Marco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0757852f5b448d389bd8c6214b14d5e-MSantos]; Jones, Doug [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5359a840310f4997be5157ffbbdd3708-JONES, DOUG]; Bulanowski, Gerard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23bbd95ee63148718a93a1d656a067b6-Bulanowski, Gerard]; Wood, Melaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=778d3feae74e4085b14678f965b966b2-Pallman, Melanie]; Vuong, Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3056fd794e964871bd21316de00481fa-Vuong, Stephanie]; Brookshire, Malena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3a59756b77c4a73aada9934b87d587f-Brookshire,]; Greenblott, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6898ff68ea994d139eaac212cbe2ae80-Greenblott, Joseph]; Burchard, Beth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285fb0b7a409414a9be457c82930df2d-Burchard, B]; Layman, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39363edf6e064a7da904146f5675919c-Layman, Joseph]; Budd, Blair (Kathryn) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd88eb2bfeef4a2dad559d422164ae39-Budd, Kathr]; Gollan, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f1c27585bd74b06b2e9d0b7db8b0725-cgollan]; Jones, Laurice [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=04d7994977644d91a385cf8357dfc6dc-Jones, Laurice]; Milazzo, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group  
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(FYDIBOHF23SPDLT)/cn=Recipients/cn=bf46e462df18450584becdc76efbc969-KHollida]; Walters, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=406f74d8f760452cb40e0a9d25c95c3b-Walters, Margaret]; Hopkins, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=ff90dda6717f4df4b8b78526a0b2a98f-DHopki02]; Roberts, Timothy-P [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=0d75a73145564b4b932c9ab3dbbacf3e-Roberts, Timothy-P]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]; Owen McAleer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=useread80711]; Dexter, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=9c797a090c044297ae18fd5159bee22b-Dexter, Michael]; Murphy, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=6c9679745ab44451b214c1a2d6fbc227-Murphy, Dan]

**Subject:** Agenda for P&P Co-Chairs Call - Tuesday, September 5

Good morning,

The agenda for this afternoon's P&P Co-Chairs call is below – talk to you soon!

Andrea Barbery  
Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

Agenda for 9/5/17 P&P Co-Chairs Call

**Date:** Tuesday, Sept. 5, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in:** Ex. 6  
**Code:** Ex. 6

1. **Welcome & Roll Call** (Andrea Barbery)
2. **EPA Lean Initiatives** (Henry Darwin)  
Purpose: To introduce Henry Darwin and discuss the agency's new lean initiatives
3. **ECOS Fall Meeting Planning** (Pat Stevens)  
Purpose: To give an update on preparations for the 2017 ECOS Fall Meeting
4. **EPA's Elevation Policy** (Nancy Grantham)  
Purpose: To give an update on EPA's elevation policy
5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien)  
Purpose: To summarize status of NPM Guidance, FY18-22 Strategic Plan, and FY19 budget development
6. **State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo)  
Purpose: To report out on recent activities

**Next Call:** Tuesday, October 3





Message

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**From:** Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]  
**Sent:** 6/14/2017 3:15:41 PM  
**To:** Nephi Cole [nephi.cole@wyo.gov]  
**Subject:** FW: Letter from Gov. Mead  
**Attachments:** Mead 17-000-9875.pdf

Did you see this letter was not ready to be sent? It does not bother me at all, but this slipped through the cracks.

---

**From:** Cook-Shyovitz, Becky  
**Sent:** Thursday, June 8, 2017 4:54 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>  
**Cc:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Letter from Gov. Mead

A nice thanks for the consultations we've been doing with states.

Becky Cook-Shyovitz  
Intergovernmental Liaison  
U.S. Environmental Protection Agency  
202-564-5340

MATTHEW H. MEAD  
GOVERNOR



2323 Carey Avenue  
CHEYENNE, WY 82002

## Office of the Governor

May 31, 2017

Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Dear Administrator Pruitt,

Thank you and your staff for your important work. A collaborative partnership between the Environmental Protection Agency (EPA) and States is critical.

I have been concerned with EPA's lack of commitment in previous years to meaningful opportunities for consultation with the States. The Agency's implementation of Executive Order 13132 during the prior Administration was inconsistent with its goal of collaborative and respectful partnerships with states and other governmental entities. Consultation should not be a formality. Late completion, minimal effort and delegating communication to non-decision makers illustrate a lack of commitment. Governors should be at the table early in processes that affect states. Their involvement should be solicited in drafting rules and guidance.

On April 28th, my Policy Advisor Nephi Cole visited with Layne Bangerter and Andrew Hansen at EPA National Headquarters. He shared some of my thoughts on this topic with them. Your team committed to a new level of outreach and cooperation — working with States individually and collectively, early and often. Thank you for your leadership again and this commitment. Agency actions on Waters of the United States (WOTUS), a significant topic for Wyoming and all states, is a great starting point to change the current paradigm.

I look forward to working with you on many important topics in the time ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew H. Mead", is written over a horizontal line.

Matthew H. Mead  
Governor

MHM:dp

Message

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**From:** Bangerter, Layne [bangerter.layne@epa.gov]  
**Sent:** 4/27/2017 2:53:50 PM  
**To:** nephi.cole@wyo.gov  
**Subject:** When are we meeting?

Sent from my iPhone

Message

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**From:** Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]  
**Sent:** 4/25/2017 11:01:51 PM  
**To:** Nephi Cole [nephi.cole@wyo.gov]  
**Subject:** Re: Waters of the United States (WOTUS) - DC visit

We should eat dinner at Trump Hotel.

Sent from my iPhone

On Apr 25, 2017, at 3:53 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

I'm going to have those times in front of the Governor in the next few minutes, and I'll let you know as soon as he gives me direction.

On Tue, Apr 25, 2017 at 2:21 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:  
I'm available either 230 or 4 o'clock that day would be governor be joining us?

Sent from my iPhone

> On Apr 25, 2017, at 2:06 PM, Nephi Cole <nephi.cole@wyo.gov> wrote:

>

> Dear Mr. Bangerter,

>

> I hope this email finds you well Layne. I will be traveling to Washington D.C. with Governor Mead on Wednesday and Thursday. If someone from your WOTUS team has time on Thursday, I would love to drop by EPA to discuss the position of Wyoming with regards to Waters of the United States. WOTUS has been one of my primary focus areas for Governor Mead's team - primarily because it has been a significant driver of my workload for over a decade as both an NRCS professional and as the Governor's Policy Advisor for Water.

>

> We were extremely active in the comment phase for the proposals from the previous administration. I have included those comments for you and your team to review. Our Final WOTUS comment letter is the most important, but the others help frame our level of concern, interest, and the fact that we requested many times for the withdrawal of the proposed rule.

>

> I have also included the a Bill which Senate EPW was working. During that process Wyoming had the opportunity to visit on potential solutions and direction. I would strongly encourage your team to look at the guidance that the Senate was providing as a "road map" that could be used to craft a long term solution to this contentious issue.

>

> Wyoming believes strongly that there is opportunity to develop long term clarity in the rule, and that the key to doing so lies in true cooperative federalism.

>

> Thanks for your time Layne, and please let me know if we can be of further assistance on this issue.

>

> --

> Nephi John Cole

> Policy Advisor

> Office of Governor Matthew H. Mead  
> 2323 Carey Avenue  
> Cheyenne WY 82002  
> Office: (307) 777-3691

**Ex. 6**

> Fax: (307) 777-8586

>

>

> E-Mail to and from me, in connection with the transaction  
> of public business, is subject to the Wyoming Public Records  
> Act and may be disclosed to third parties.  
> <20141113 Final WOTUS comment letter MHMmdm (1).pdf>  
> <20140930 Governor Mead's WOTUS withdrawal comment letter.pdf>  
> <20140707 EPA & Army - Interpretive Rule comments MHMmdm.pdf>  
> <141113 Brown Mead Final Wotus NR.pdf>  
> <WOTUS Bill.pdf>

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Nephi John Cole  
Policy Advisor  
Office of Governor Matthew H. Mead  
2323 Carey Avenue  
Cheyenne WY 82002  
Office: (307) 777-3691

**Ex. 6**

Fax: (307) 777-8586

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of public business, is subject to the Wyoming Public Records  
Act and may be disclosed to third parties.